

ROY BLUNT  
MISSOURI

VICE CHAIRMAN, SENATE REPUBLICAN CONFERENCE

260 RUSSELL SENATE OFFICE BUILDING  
WASHINGTON, DC 20510-2508  
202-224-5721

## United States Senate

WASHINGTON, DC 20510

COMMITTEES:  
APPROPRIATIONS

COMMERCE, SCIENCE  
AND TRANSPORTATION

CHAIRMAN, RULES AND  
ADMINISTRATION

SELECT COMMITTEE  
ON INTELLIGENCE

March 30, 2015

The Honorable Gina McCarthy  
Administrator  
Environmental Protection Agency  
Mail Code: 1101A  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Administrator McCarthy,

We write to learn more about the steps the Environmental Protection Agency (EPA) is taking to protect pollinator health. Given the importance of pollinators, we would like to ensure the EPA is working closely with all stakeholders, is investigating the entire range of possible factors that impact pollinator health, and will follow all administrative requirements before completing any potential rulemakings.

As you know, pollinators play an irreplaceable role in the world's food security. Pollinators are vital to most fruit, vegetable, and nut production and they play a role in nearly \$30 billion dollars in economic activity within the United States each year. In recent years, questions have arisen about pollinator health and populations. Certainly these are serious questions that require a comprehensive, science-based investigation so that we can be sure of the steps needed to continue our food production systems, avoid significant negative economic impacts, and protect the environment.

As EPA is investigating potential impacts on pollinator health, we urge the EPA to closely collaborate with the U.S. Department of Agriculture, members of the White House Pollinator Health Task Force, grower organizations, and stakeholders in prioritizing resources to first use the best science-based research available to understand the overall state of pollinator health in the U.S. We want to be sure that EPA engages grower organizations and other stakeholders most affected by any regulatory review. Those directly engaged are likely to best know the impact of potential agency actions.

In creating the Pollinator Health Task Force last June, President Obama recognized that there is a complex array of factors associated with pollinator health, and focused on conducting greater research and analysis to better understand the variety of factors that influence pollinators. Experts in the field cite multiple possible stressors that are contributing to variability in beehive counts and pollinator populations, including mites, pathogens, genetics, and loss of habitat or forage areas. We ask EPA to take care to investigate all the likely impacts on pollinator health before taking regulatory actions.

Should EPA determine it is necessary for the agency to take further regulatory actions, we urge the agency to follow all of its administrative requirements, particularly as it relates to the use and

registration of pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act. We have concerns about reports that the agency may be planning to regulate some pesticides, particularly neonicotinoid products, without a sufficient understanding of all the environmental stressors facing pollinators. Neonicotinoid products are an important component of modern agriculture techniques, which have helped American farmers increase productivity, improve cost-competitiveness and continue to produce safe, nutritious food for the world. If EPA does move forward with regulatory actions regarding pesticides, we ask that you work within the existing pesticide regulatory framework, which has helped the agency to regulate in a sound, science-based manner.

Regarding EPA's potential actions designed to improve pollinator health, would you please provide answers to the following questions:

- Has EPA or its partner agencies researched the impact of the varroa mite on pollinator health? If so, how does that agency calculate the impact of the mite on hive counts?
- Most data for hive counts, both domestic and international, show variability predating the use of neonicotinoids in the U.S. and Europe. Does the EPA have data that conflict with this? If so, will you please provide it?
- Last fall the EPA released a study on the benefits of neonicotinoid seed treatments in soybean production. Did EPA conduct similar analyses of the efficacy of seed treatment in other crops? If so, what were the criteria used to select these crops, and were these studies publicly released?
- The soybean report relied on acreage and price data from the US Department of Agriculture's National Agricultural Statistics Service. Did EPA draw on other USDA data – including seed treatment usage rates and efficacy – in conducting its analysis? If so, what information did USDA provide?
- The soybean study relies heavily on "EPA Proprietary Data." Is comparable publicly available data available? Did EPA seek information from registrants, seed companies or producers?
- How will the soybean study be used in EPA regulatory decisions?
- When EPA is considering product registrations or re-registrations, how often is EPA-initiated research used versus data submitted by the registrant?
- On July 17, 2014, the US Fish and Wildlife Service (USFWS) announced that it was banning the use of neonicotinoids on USFWS lands. Was EPA consulted by the Service regarding its decision? What guidance did EPA offer?
- In October 2014, the Council on Environmental Quality (CEQ) issued guidance on the use of neonicotinoids and plant materials treated with this class of chemistry on certain federal properties. Was EPA consulted about this action? What guidance did EPA offer?

As an estimated one-third of all food and beverages are made possible by pollination, if there was a significant decline in pollinator populations, it would have a serious impact on our diets, economy, and environment. Scientists agree there is a complex set of factors that are impacting pollinator populations and any agency actions could have a significant impact on modern production agriculture. Therefore, it is essential that EPA works closely with all stakeholders and partner agencies, investigates the entire range of possible impacts on pollinator health, and follows all administrative requirements before completing any potential rulemakings.

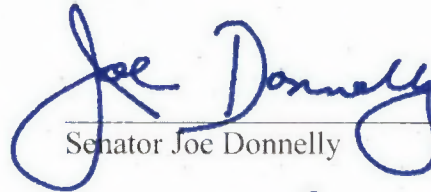


We thank you in advance for your responses to our questions, and we look forward to working with you to promote pollinator health in a sound, science-based manner.

Sincerely,



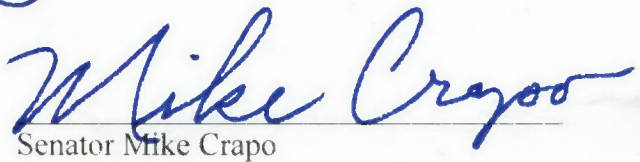
Senator Roy Blunt



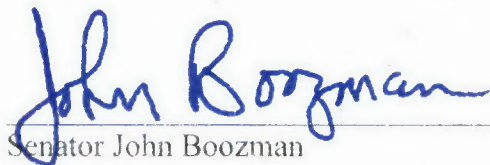
Senator Joe Donnelly



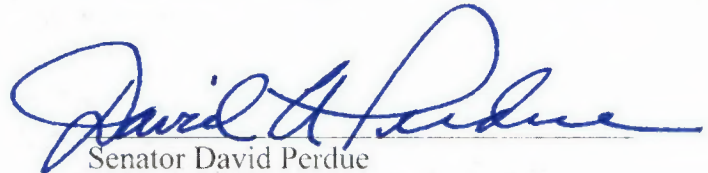
Senator Pat Roberts



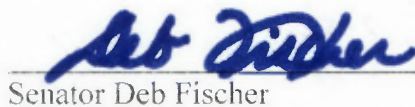
Senator Mike Crapo




Senator John Boozman



Senator David Perdue



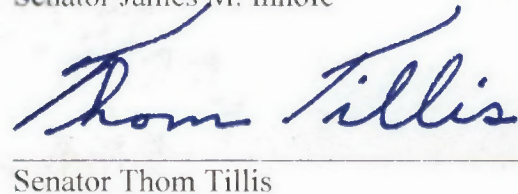
Senator Deb Fischer



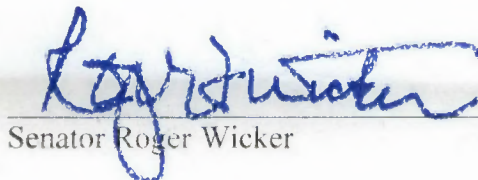
Senator James M. Inhofe



Senator Thad Cochran



Senator Thom Tillis



Senator Roger Wicker



Senator Richard Burr



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JUL 16 2015

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

The Honorable Roy Blunt  
United States Senate  
Washington, DC 20510

Dear Senator Blunt:

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For more than 15 years, the EPA has been working with a broad range of stakeholders – beekeepers, growers, pesticide producers, researchers, as well as federal and state agencies – to improve pollinator protection. While our initial efforts did not yield a clear path forward, the open dialogue among a diverse group of stakeholders brought to light the complexity of the issue. We ramped up our collaborative efforts after Colony Collapse Disorder emerged and the broader issue of pollinator health became an international issue in 2007. We again expanded the range of stakeholder involvement in our efforts following the release of the 2014 *Presidential Memorandum -- Creating a Federal Strategy to Promote the Health of Honey Bees and Other Pollinators*. That extensive stakeholder input is apparent in the commitments the EPA made in the *National Strategy to Promote the Health of Honey Bees and Other Pollinators*<sup>1</sup> that was published May 19, 2015. I assure you that the EPA will continue engaging grower organizations, beekeepers and other stakeholders most affected by the agency's potential regulatory decisions.

The EPA agrees that the scientific issues concerning the role of pesticides in pollinator declines are complex. We have been reiterating to concerned citizens and elected officials alike the need to ensure that the EPA's regulatory positions do not outpace scientific consensus or otherwise depart from the requirements of federal law. It is our intention to continue on that path.

With respect to research on the impact of the Varroa mite on pollinator health and how the agency calculates the impact of mites on hive counts, Congress has identified the U.S. Department of Agriculture as the lead federal agency on determining the causes and developing solutions for CCD. The USDA has focused on examining Varroa mites and the other factors affecting pollinator health. While the EPA is specifically tasked with determining and mitigating the effects of pesticides, we have also been working collaboratively with the USDA to understand the various factors. At this time, the EPA risk assessments do not quantify the potential role that mites may be having in combination with pesticides; however, the agency is aware of this potential relationship and will continue to monitor open literature and work with the USDA to help address this uncertainty.

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- USDA Economic Research Service's soybean enterprise budgets<sup>2</sup>
- USDA historical usage data (pounds applied) from 1987 to 2004<sup>3</sup>.

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You also asked about "EPA Proprietary Data" that we used in the benefits assessment. The source of the proprietary data is a private market research firm, GfK Kynetec. These data are collected annually from field crop, vegetable and fruit producers. The study design used by GfK Kynetec results in a statistically valid estimate of pesticide use by state and by crop. The information on seed treatments by active ingredient is not publicly available due to the licensing agreement GfK Kynetec requires for use of its data. Although the USDA NASS provides pesticide usage data, it was not adequate for the seed treatment benefits study because it does not include information on seed treatments by active ingredient. Also, the USDA NASS data do not include information on target pest which was important for the soybean seed treatment benefits assessment.

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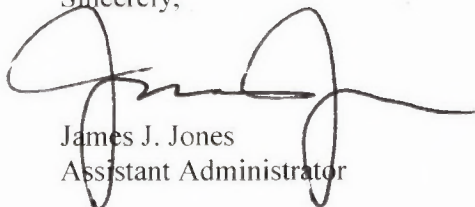
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Finally, you asked if the EPA was consulted on the U.S. Fish and Wildlife Service decision to ban the use of neonicotinoids on USFWS lands and on the Council on Environmental Quality guidance on the use of neonicotinoids and plant materials treated with this class of chemistry on certain federal properties. Neither the USFWS nor the CEQ consulted the EPA on these issues.

Let me close by reiterating that, at the EPA, we are committed to finding and implementing a wide range of actions to effectively address the complex and varied stressors facing pollinators in this country. We believe that staying abreast of evolving science,<sup>4</sup> communicating with our regulatory partners here and abroad, and working with research scientists and practitioners in laboratories and in the field puts the agency in the best position to account for, in our regulatory decisions, potential effects of neonicotinoid pesticides on honey bees. The registration review process allows the EPA to act quickly if the data and associated scientific evaluations warrant such action. If the risk posed by a pesticide, supported by the best available, peer-reviewed science, cannot be mitigated or managed through other measures, and the agency determines that the pesticide no longer meets the FIFRA standard for registration, then the EPA will move quickly to take appropriate regulatory action.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Mr. Sven-Erik Kaiser in the EPA's Office of Congressional and Intergovernmental Relations at [kaiser.sven-erik@epa.gov](mailto:kaiser.sven-erik@epa.gov) or (202) 566-2753.

Sincerely,

A handwritten signature in black ink, appearing to read 'James J. Jones', with a long horizontal flourish extending to the right.

James J. Jones  
Assistant Administrator

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<sup>4</sup> <http://www.ars.usda.gov/News/docs.htm?docid=15572#research>



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUL 16 2015

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

The Honorable John Boozman  
United States Senate  
Washington, DC 20510

Dear Senator Boozman:

Thank you for your March 30, 2015, letter to the U.S. Environmental Protection Agency in which you express interest in learning about the steps the EPA is taking to protect pollinator health. I want to assure you that the EPA has been working aggressively to protect bees and other pollinators from the potential effects of pesticides, and we will continue to do so. We are engaged in national and international efforts to address those concerns.

For more than 15 years, the EPA has been working with a broad range of stakeholders – beekeepers, growers, pesticide producers, researchers, as well as federal and state agencies – to improve pollinator protection. While our initial efforts did not yield a clear path forward, the open dialogue among a diverse group of stakeholders brought to light the complexity of the issue. We ramped up our collaborative efforts after Colony Collapse Disorder emerged and the broader issue of pollinator health became an international issue in 2007. We again expanded the range of stakeholder involvement in our efforts following the release of the 2014 *Presidential Memorandum -- Creating a Federal Strategy to Promote the Health of Honey Bees and Other Pollinators*. That extensive stakeholder input is apparent in the commitments the EPA made in the *National Strategy to Promote the Health of Honey Bees and Other Pollinators*<sup>1</sup> that was published May 19, 2015. I assure you that the EPA will continue engaging grower organizations, beekeepers and other stakeholders most affected by the agency's potential regulatory decisions.

The EPA agrees that the scientific issues concerning the role of pesticides in pollinator declines are complex. We have been reiterating to concerned citizens and elected officials alike the need to ensure that the EPA's regulatory positions do not outpace scientific consensus or otherwise depart from the requirements of federal law. It is our intention to continue on that path.

With respect to research on the impact of the Varroa mite on pollinator health and how the agency calculates the impact of mites on hive counts, Congress has identified the U.S. Department of Agriculture as the lead federal agency on determining the causes and developing solutions for CCD. The USDA has focused on examining Varroa mites and the other factors affecting pollinator health. While the EPA is specifically tasked with determining and mitigating the effects of pesticides, we have also been working collaboratively with the USDA to understand the various factors. At this time, the EPA risk assessments do not quantify the potential role that mites may be having in combination with pesticides; however, the agency is aware of this potential relationship and will continue to monitor open literature and work with the USDA to help address this uncertainty.

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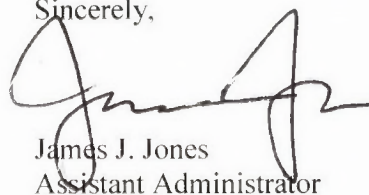
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Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUL 16 2015

The Honorable Richard Burr  
United States Senate  
Washington, DC 20510

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

Dear Senator Burr:

Thank you for your March 30, 2015, letter to the U.S. Environmental Protection Agency in which you express interest in learning about the steps the EPA is taking to protect pollinator health. I want to assure you that the EPA has been working aggressively to protect bees and other pollinators from the potential effects of pesticides, and we will continue to do so. We are engaged in national and international efforts to address those concerns.

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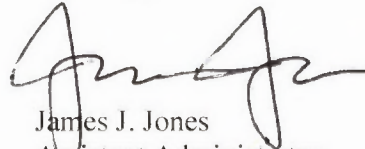
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Let me close by reiterating that, at the EPA, we are committed to finding and implementing a wide range of actions to effectively address the complex and varied stressors facing pollinators in this country. We believe that staying abreast of evolving science,<sup>4</sup> communicating with our regulatory partners here and abroad, and working with research scientists and practitioners in laboratories and in the field puts the agency in the best position to account for, in our regulatory decisions, potential effects of neonicotinoid pesticides on honey bees. The registration review process allows the EPA to act quickly if the data and associated scientific evaluations warrant such action. If the risk posed by a pesticide, supported by the best available, peer-reviewed science, cannot be mitigated or managed through other measures, and the agency determines that the pesticide no longer meets the FIFRA standard for registration, then the EPA will move quickly to take appropriate regulatory action.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Mr. Sven-Erik Kaiser in the EPA's Office of Congressional and Intergovernmental Relations at [kaiser.sven-erik@epa.gov](mailto:kaiser.sven-erik@epa.gov) or (202) 566-2753.

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James J. Jones  
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUL 16 2015

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

The Honorable Michael D. Crapo  
United States Senate  
Washington, DC 20510

Dear Senator Crapo:

Thank you for your March 30, 2015, letter to the U.S. Environmental Protection Agency in which you express interest in learning about the steps the EPA is taking to protect pollinator health. I want to assure you that the EPA has been working aggressively to protect bees and other pollinators from the potential effects of pesticides, and we will continue to do so. We are engaged in national and international efforts to address those concerns.

For more than 15 years, the EPA has been working with a broad range of stakeholders – beekeepers, growers, pesticide producers, researchers, as well as federal and state agencies – to improve pollinator protection. While our initial efforts did not yield a clear path forward, the open dialogue among a diverse group of stakeholders brought to light the complexity of the issue. We ramped up our collaborative efforts after Colony Collapse Disorder emerged and the broader issue of pollinator health became an international issue in 2007. We again expanded the range of stakeholder involvement in our efforts following the release of the 2014 *Presidential Memorandum -- Creating a Federal Strategy to Promote the Health of Honey Bees and Other Pollinators*. That extensive stakeholder input is apparent in the commitments the EPA made in the *National Strategy to Promote the Health of Honey Bees and Other Pollinators*<sup>1</sup> that was published May 19, 2015. I assure you that the EPA will continue engaging grower organizations, beekeepers and other stakeholders most affected by the agency's potential regulatory decisions.

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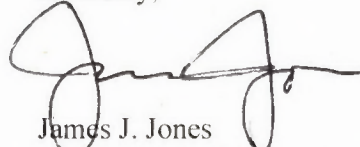
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James J. Jones  
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUL 16 2015

The Honorable Joe Donnelly  
United States Senate  
Washington, DC 20510

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

Dear Senator Donnelly:

Thank you for your March 30, 2015, letter to the U.S. Environmental Protection Agency in which you express interest in learning about the steps the EPA is taking to protect pollinator health. I want to assure you that the EPA has been working aggressively to protect bees and other pollinators from the potential effects of pesticides, and we will continue to do so. We are engaged in national and international efforts to address those concerns.

For more than 15 years, the EPA has been working with a broad range of stakeholders – beekeepers, growers, pesticide producers, researchers, as well as federal and state agencies – to improve pollinator protection. While our initial efforts did not yield a clear path forward, the open dialogue among a diverse group of stakeholders brought to light the complexity of the issue. We ramped up our collaborative efforts after Colony Collapse Disorder emerged and the broader issue of pollinator health became an international issue in 2007. We again expanded the range of stakeholder involvement in our efforts following the release of the 2014 *Presidential Memorandum -- Creating a Federal Strategy to Promote the Health of Honey Bees and Other Pollinators*. That extensive stakeholder input is apparent in the commitments the EPA made in the *National Strategy to Promote the Health of Honey Bees and Other Pollinators*<sup>1</sup> that was published May 19, 2015. I assure you that the EPA will continue engaging grower organizations, beekeepers and other stakeholders most affected by the agency's potential regulatory decisions.

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With respect to research on the impact of the Varroa mite on pollinator health and how the agency calculates the impact of mites on hive counts, Congress has identified the U.S. Department of Agriculture as the lead federal agency on determining the causes and developing solutions for CCD. The USDA has focused on examining Varroa mites and the other factors affecting pollinator health. While the EPA is specifically tasked with determining and mitigating the effects of pesticides, we have also been working collaboratively with the USDA to understand the various factors. At this time, the EPA risk assessments do not quantify the potential role that mites may be having in combination with pesticides; however, the agency is aware of this potential relationship and will continue to monitor open literature and work with the USDA to help address this uncertainty.

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You also asked about domestic and international data showing variability in hive counts predating the use of neonicotinoids. Presumably, the data to which you refer is the National Agricultural Statistics Service honey survey data that have shown general declines in the number of colonies used to support honey production since the mid-1940's. These data demonstrate that the number of colonies used in honey production have declined from roughly 6 million colonies in the 40's to roughly 2.7 million currently. This decline has been relatively constant up until the late 1990's when the rate of decline appears to have stabilized. Over the past decade the number of managed colonies used on honey production has hovered around 2.5 million, however, the most current numbers place it at around 2.7 million, a slight increase. The EPA is not aware of a multi-factorial analysis of the NASS data to examine whether neonicotinoid registrations were in any way correlated with colony numbers; however, it is the EPA's understanding that NASS may comment that their surveys/data are not intended to document "loss" per se and that such an analysis may not be appropriate.

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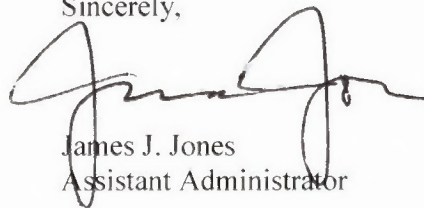
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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Mr. Sven-Erik Kaiser in the EPA's Office of Congressional and Intergovernmental Relations at [kaiser.sven-erik@epa.gov](mailto:kaiser.sven-erik@epa.gov) or (202) 566-2753.

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Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUL 1 6 2015

The Honorable Deb Fischer  
United States Senate  
Washington, DC 20510

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

Dear Senator Fischer:

Thank you for your March 30, 2015, letter to the U.S. Environmental Protection Agency in which you express interest in learning about the steps the EPA is taking to protect pollinator health. I want to assure you that the EPA has been working aggressively to protect bees and other pollinators from the potential effects of pesticides, and we will continue to do so. We are engaged in national and international efforts to address those concerns.

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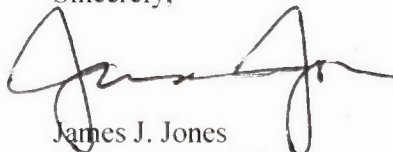
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Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JUL 16 2015

The Honorable James M. Inhofe  
United States Senate  
Washington, DC 20510

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

Dear Senator Inhofe:

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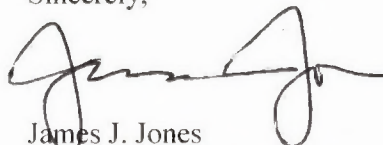
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Let me close by reiterating that, at the EPA, we are committed to finding and implementing a wide range of actions to effectively address the complex and varied stressors facing pollinators in this country. We believe that staying abreast of evolving science,<sup>4</sup> communicating with our regulatory partners here and abroad, and working with research scientists and practitioners in laboratories and in the field puts the agency in the best position to account for, in our regulatory decisions, potential effects of neonicotinoid pesticides on honey bees. The registration review process allows the EPA to act quickly if the data and associated scientific evaluations warrant such action. If the risk posed by a pesticide, supported by the best available, peer-reviewed science, cannot be mitigated or managed through other measures, and the agency determines that the pesticide no longer meets the FIFRA standard for registration, then the EPA will move quickly to take appropriate regulatory action.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Mr. Sven-Erik Kaiser in the EPA's Office of Congressional and Intergovernmental Relations at [kaiser.sven-erik@epa.gov](mailto:kaiser.sven-erik@epa.gov) or (202) 566-2753.

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James J. Jones  
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUL 16 2015

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

The Honorable David Perdue  
United States Senate  
Washington, DC 20510

Dear Senator Perdue:

Thank you for your March 30, 2015, letter to the U.S. Environmental Protection Agency in which you express interest in learning about the steps the EPA is taking to protect pollinator health. I want to assure you that the EPA has been working aggressively to protect bees and other pollinators from the potential effects of pesticides, and we will continue to do so. We are engaged in national and international efforts to address those concerns.

For more than 15 years, the EPA has been working with a broad range of stakeholders – beekeepers, growers, pesticide producers, researchers, as well as federal and state agencies – to improve pollinator protection. While our initial efforts did not yield a clear path forward, the open dialogue among a diverse group of stakeholders brought to light the complexity of the issue. We ramped up our collaborative efforts after Colony Collapse Disorder emerged and the broader issue of pollinator health became an international issue in 2007. We again expanded the range of stakeholder involvement in our efforts following the release of the 2014 *Presidential Memorandum -- Creating a Federal Strategy to Promote the Health of Honey Bees and Other Pollinators*. That extensive stakeholder input is apparent in the commitments the EPA made in the *National Strategy to Promote the Health of Honey Bees and Other Pollinators*<sup>1</sup> that was published May 19, 2015. I assure you that the EPA will continue engaging grower organizations, beekeepers and other stakeholders most affected by the agency's potential regulatory decisions.

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With respect to research on the impact of the Varroa mite on pollinator health and how the agency calculates the impact of mites on hive counts, Congress has identified the U.S. Department of Agriculture as the lead federal agency on determining the causes and developing solutions for CCD. The USDA has focused on examining Varroa mites and the other factors affecting pollinator health. While the EPA is specifically tasked with determining and mitigating the effects of pesticides, we have also been working collaboratively with the USDA to understand the various factors. At this time, the EPA risk assessments do not quantify the potential role that mites may be having in combination with pesticides; however, the agency is aware of this potential relationship and will continue to monitor open literature and work with the USDA to help address this uncertainty.

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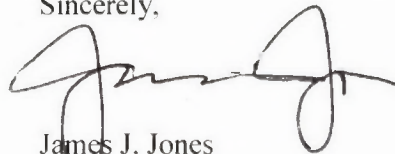
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Let me close by reiterating that, at the EPA, we are committed to finding and implementing a wide range of actions to effectively address the complex and varied stressors facing pollinators in this country. We believe that staying abreast of evolving science,<sup>4</sup> communicating with our regulatory partners here and abroad, and working with research scientists and practitioners in laboratories and in the field puts the agency in the best position to account for, in our regulatory decisions, potential effects of neonicotinoid pesticides on honey bees. The registration review process allows the EPA to act quickly if the data and associated scientific evaluations warrant such action. If the risk posed by a pesticide, supported by the best available, peer-reviewed science, cannot be mitigated or managed through other measures, and the agency determines that the pesticide no longer meets the FIFRA standard for registration, then the EPA will move quickly to take appropriate regulatory action.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Mr. Sven-Erik Kaiser in the EPA's Office of Congressional and Intergovernmental Relations at [kaiser.sven-erik@epa.gov](mailto:kaiser.sven-erik@epa.gov) or (202) 566-2753.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUL 16 2015

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

The Honorable Pat Roberts  
United States Senate  
Washington, DC 20510

Dear Senator Roberts:

Thank you for your March 30, 2015, letter to the U.S. Environmental Protection Agency in which you express interest in learning about the steps the EPA is taking to protect pollinator health. I want to assure you that the EPA has been working aggressively to protect bees and other pollinators from the potential effects of pesticides, and we will continue to do so. We are engaged in national and international efforts to address those concerns.

For more than 15 years, the EPA has been working with a broad range of stakeholders – beekeepers, growers, pesticide producers, researchers, as well as federal and state agencies – to improve pollinator protection. While our initial efforts did not yield a clear path forward, the open dialogue among a diverse group of stakeholders brought to light the complexity of the issue. We ramped up our collaborative efforts after Colony Collapse Disorder emerged and the broader issue of pollinator health became an international issue in 2007. We again expanded the range of stakeholder involvement in our efforts following the release of the 2014 *Presidential Memorandum -- Creating a Federal Strategy to Promote the Health of Honey Bees and Other Pollinators*. That extensive stakeholder input is apparent in the commitments the EPA made in the *National Strategy to Promote the Health of Honey Bees and Other Pollinators*<sup>1</sup> that was published May 19, 2015. I assure you that the EPA will continue engaging grower organizations, beekeepers and other stakeholders most affected by the agency's potential regulatory decisions.

The EPA agrees that the scientific issues concerning the role of pesticides in pollinator declines are complex. We have been reiterating to concerned citizens and elected officials alike the need to ensure that the EPA's regulatory positions do not outpace scientific consensus or otherwise depart from the requirements of federal law. It is our intention to continue on that path.

With respect to research on the impact of the Varroa mite on pollinator health and how the agency calculates the impact of mites on hive counts, Congress has identified the U.S. Department of Agriculture as the lead federal agency on determining the causes and developing solutions for CCD. The USDA has focused on examining Varroa mites and the other factors affecting pollinator health. While the EPA is specifically tasked with determining and mitigating the effects of pesticides, we have also been working collaboratively with the USDA to understand the various factors. At this time, the EPA risk assessments do not quantify the potential role that mites may be having in combination with pesticides; however, the agency is aware of this potential relationship and will continue to monitor open literature and work with the USDA to help address this uncertainty.

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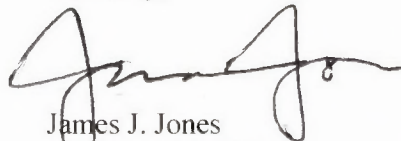
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James J. Jones  
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JUL 16 2015

The Honorable Thom Tillis  
United States Senate  
Washington, DC 20510

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

Dear Senator Tillis:

Thank you for your March 30, 2015, letter to the U.S. Environmental Protection Agency in which you express interest in learning about the steps the EPA is taking to protect pollinator health. I want to assure you that the EPA has been working aggressively to protect bees and other pollinators from the potential effects of pesticides, and we will continue to do so. We are engaged in national and international efforts to address those concerns.

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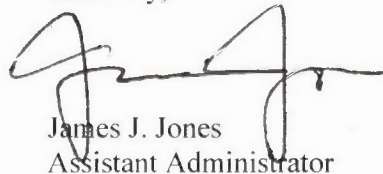
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Sincerely,



James J. Jones  
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUL 16 2015

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

The Honorable Roger Wicker  
United States Senate  
Washington, DC 20510

Dear Senator Wicker:

Thank you for your March 30, 2015, letter to the U.S. Environmental Protection Agency in which you express interest in learning about the steps the EPA is taking to protect pollinator health. I want to assure you that the EPA has been working aggressively to protect bees and other pollinators from the potential effects of pesticides, and we will continue to do so. We are engaged in national and international efforts to address those concerns.

For more than 15 years, the EPA has been working with a broad range of stakeholders – beekeepers, growers, pesticide producers, researchers, as well as federal and state agencies – to improve pollinator protection. While our initial efforts did not yield a clear path forward, the open dialogue among a diverse group of stakeholders brought to light the complexity of the issue. We ramped up our collaborative efforts after Colony Collapse Disorder emerged and the broader issue of pollinator health became an international issue in 2007. We again expanded the range of stakeholder involvement in our efforts following the release of the 2014 *Presidential Memorandum -- Creating a Federal Strategy to Promote the Health of Honey Bees and Other Pollinators*. That extensive stakeholder input is apparent in the commitments the EPA made in the *National Strategy to Promote the Health of Honey Bees and Other Pollinators*<sup>1</sup> that was published May 19, 2015. I assure you that the EPA will continue engaging grower organizations, beekeepers and other stakeholders most affected by the agency's potential regulatory decisions.

The EPA agrees that the scientific issues concerning the role of pesticides in pollinator declines are complex. We have been reiterating to concerned citizens and elected officials alike the need to ensure that the EPA's regulatory positions do not outpace scientific consensus or otherwise depart from the requirements of federal law. It is our intention to continue on that path.

With respect to research on the impact of the Varroa mite on pollinator health and how the agency calculates the impact of mites on hive counts, Congress has identified the U.S. Department of Agriculture as the lead federal agency on determining the causes and developing solutions for CCD. The USDA has focused on examining Varroa mites and the other factors affecting pollinator health. While the EPA is specifically tasked with determining and mitigating the effects of pesticides, we have also been working collaboratively with the USDA to understand the various factors. At this time, the EPA risk assessments do not quantify the potential role that mites may be having in combination with pesticides; however, the agency is aware of this potential relationship and will continue to monitor open literature and work with the USDA to help address this uncertainty.

<sup>1</sup> <https://www.whitehouse.gov/sites/default/files/microsites/ostp/Pollinator%20Health%20Strategy%202015.pdf>  
Internet Address (URL) • <http://www.epa.gov>



You also asked about domestic and international data showing variability in hive counts predating the use of neonicotinoids. Presumably, the data to which you refer is the National Agricultural Statistics Service honey survey data that have shown general declines in the number of colonies used to support honey production since the mid-1940's. These data demonstrate that the number of colonies used in honey production have declined from roughly 6 million colonies in the 40's to roughly 2.7 million currently. This decline has been relatively constant up until the late 1990's when the rate of decline appears to have stabilized. Over the past decade the number of managed colonies used on honey production has hovered around 2.5 million, however, the most current numbers place it at around 2.7 million, a slight increase. The EPA is not aware of a multi-factorial analysis of the NASS data to examine whether neonicotinoid registrations were in any way correlated with colony numbers; however, it is the EPA's understanding that NASS may comment that their surveys/data are not intended to document "loss" per se and that such an analysis may not be appropriate.

Regarding the benefits analysis of neonicotinoid seed treatments in soybean production that the EPA released last fall, the agency chose to focus first on the neonicotinoid seed treatments for soybeans following published reports questioning the benefits of neonicotinoid insecticides in soybeans. Our assessment compared the yield benefits and costs of soybeans grown from neonicotinoid-treated seed with soybeans grown using other pest control strategies. In addition to acreage and price data from the NASS, the EPA used the following USDA data sources in conducting its analysis:

- USDA Economic Research Service's soybean enterprise budgets<sup>2</sup>
- USDA historical usage data (pounds applied) from 1987 to 2004<sup>3</sup>.

I should also mention that it was not an analysis of efficacy. The EPA typically assesses the benefits of a chemical on a crop by crop basis, and the report on soybean seed treatment is the first completed for the neonicotinoids. The EPA will perform additional benefits assessments and incorporate our findings as we complete the re-evaluation of the neonicotinoids. With respect to how the soybean study will be used in the EPA's regulatory decisions, if the risks associated with the seed treatment use of the neonicotinoids in soybeans outweigh the benefits, the EPA will consider taking additional regulatory action to address these concerns.

You also asked about "EPA Proprietary Data" that we used in the benefits assessment. The source of the proprietary data is a private market research firm, GfK Kynetec. These data are collected annually from field crop, vegetable and fruit producers. The study design used by GfK Kynetec results in a statistically valid estimate of pesticide use by state and by crop. The information on seed treatments by active ingredient is not publicly available due to the licensing agreement GfK Kynetec requires for use of its data. Although the USDA NASS provides pesticide usage data, it was not adequate for the seed treatment benefits study because it does not include information on seed treatments by active ingredient. Also, the USDA NASS data do not include information on target pest which was important for the soybean seed treatment benefits assessment.

You also asked how often we use EPA-initiated research versus data submitted by the registrant in pesticide product registration and registration review. Sections 3 and 4 of the Federal Insecticide, Fungicide and Rodenticide Act make clear that the EPA shall require the submission of studies from pesticide applicants and registrants to support registration, registration review and reregistration decisions. Congress placed this obligation on the pesticide registrant rather than requiring the EPA to

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<sup>2</sup> USDA ERS, 2014, Commodity Costs and Returns: Soybeans. [ers.usda.gov/data-products/commodity-costs-and-returns.aspx#.U3yycfldWZ28](http://ers.usda.gov/data-products/commodity-costs-and-returns.aspx#.U3yycfldWZ28)

<sup>3</sup> Fernandez-Cornejo et al., 2014 Pesticide Use in U.S. Agriculture: 21 Selected Crops, 1960-2008. USDA-Economic Research Service Economic Information Bulletin Number 124, pp 65-68.

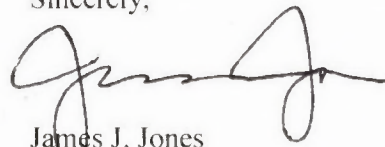
develop and fund such data development. In addition to registrant-submitted studies, EPA scientists also review pesticide studies from peer-reviewed scientific journals and data from a wide variety of sources when they are available.

Finally, you asked if the EPA was consulted on the U.S. Fish and Wildlife Service decision to ban the use of neonicotinoids on USFWS lands and on the Council on Environmental Quality guidance on the use of neonicotinoids and plant materials treated with this class of chemistry on certain federal properties. Neither the USFWS nor the CEQ consulted the EPA on these issues.

Let me close by reiterating that, at the EPA, we are committed to finding and implementing a wide range of actions to effectively address the complex and varied stressors facing pollinators in this country. We believe that staying abreast of evolving science,<sup>4</sup> communicating with our regulatory partners here and abroad, and working with research scientists and practitioners in laboratories and in the field puts the agency in the best position to account for, in our regulatory decisions, potential effects of neonicotinoid pesticides on honey bees. The registration review process allows the EPA to act quickly if the data and associated scientific evaluations warrant such action. If the risk posed by a pesticide, supported by the best available, peer-reviewed science, cannot be mitigated or managed through other measures, and the agency determines that the pesticide no longer meets the FIFRA standard for registration, then the EPA will move quickly to take appropriate regulatory action.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Mr. Sven-Erik Kaiser in the EPA's Office of Congressional and Intergovernmental Relations at [kaiser.sven-erik@epa.gov](mailto:kaiser.sven-erik@epa.gov) or (202) 566-2753.

Sincerely,

A handwritten signature in black ink, appearing to read 'James J. Jones', written over a horizontal line.

James J. Jones  
Assistant Administrator

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<sup>4</sup> <http://www.ars.usda.gov/News/docs.htm?docid=15572#research>





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JUL 16 2015

The Honorable Thad Cochran  
United States Senate  
Washington, DC 20510

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

Dear Senator Cochran:

Thank you for your March 30, 2015, letter to the U.S. Environmental Protection Agency in which you express interest in learning about the steps the EPA is taking to protect pollinator health. I want to assure you that the EPA has been working aggressively to protect bees and other pollinators from the potential effects of pesticides, and we will continue to do so. We are engaged in national and international efforts to address those concerns.

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<sup>3</sup> Fernandez-Cornejo et al., 2014 Pesticide Use in U.S. Agriculture: 21 Selected Crops, 1960-2008. USDA-Economic Research Service Economic Information Bulletin Number 124, pp 65-68.



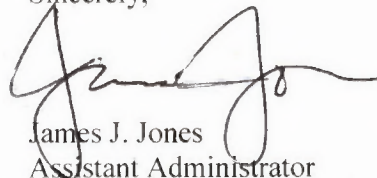
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Let me close by reiterating that, at the EPA, we are committed to finding and implementing a wide range of actions to effectively address the complex and varied stressors facing pollinators in this country. We believe that staying abreast of evolving science,<sup>4</sup> communicating with our regulatory partners here and abroad, and working with research scientists and practitioners in laboratories and in the field puts the agency in the best position to account for, in our regulatory decisions, potential effects of neonicotinoid pesticides on honey bees. The registration review process allows the EPA to act quickly if the data and associated scientific evaluations warrant such action. If the risk posed by a pesticide, supported by the best available, peer-reviewed science, cannot be mitigated or managed through other measures, and the agency determines that the pesticide no longer meets the FIFRA standard for registration, then the EPA will move quickly to take appropriate regulatory action.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Mr. Sven-Erik Kaiser in the EPA's Office of Congressional and Intergovernmental Relations at [kaiser.sven-erik@epa.gov](mailto:kaiser.sven-erik@epa.gov) or (202) 566-2753.

Sincerely,

A handwritten signature in dark ink, appearing to read 'James J. Jones', with a stylized flourish extending to the right.

James J. Jones  
Assistant Administrator

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<sup>4</sup> <http://www.ars.usda.gov/News/docs.htm?docid=15572#research>

# United States Senate

WASHINGTON, DC 20510

June 30, 2015

The Honorable Gina McCarthy  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

The Honorable Tom Vilsack  
Secretary  
U.S. Department of Agriculture  
1400 Independence Avenue, S.W.  
Washington, DC 20250

The Honorable Dr. Ernest Moniz  
Secretary  
U.S. Department of Energy  
1000 Independence Avenue, S.W.  
Washington, DC 20585

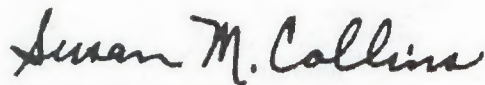
Dear Administrator McCarthy, Secretary Moniz, and Secretary Vilsack:

We write to support biomass energy as a sustainable, responsible, renewable, and economically significant energy source. Federal policies across all departments and agencies must remove any uncertainties and contradictions through a clear, unambiguous message that forest bioenergy is part of the nation's energy future.

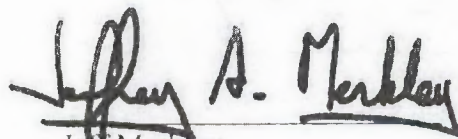
Many states are relying on renewable biomass to meet their energy goals, and we support renewable biomass to create jobs and economic growth while meeting our nation's energy needs. A comprehensive science, technical, and legal administrative record supports a clear and simple policy establishing the benefits of energy from forest biomass. Federal policies that add unnecessary costs and complexity will discourage rather than encourage investment in working forests, harvesting operations, bioenergy, wood products, and paper manufacturing. Unclear or contradictory signals from federal agencies could discourage biomass utilization as an energy solution.

The carbon neutrality of forest biomass has been recognized repeatedly by numerous studies, agencies, institutions, legislation, and rules around the world, and there has been no dispute about the carbon neutrality of biomass derived from residuals of forest products manufacturing and agriculture. Our constituents employed in the biomass supply chain deserve a federal policy that recognizes the clear benefits of forest bioenergy. We urge you to ensure that federal policies are consistent and reflect the carbon neutrality of forest bioenergy.

Sincerely,

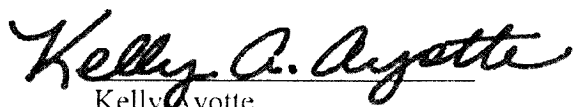


Susan M. Collins  
United States Senator

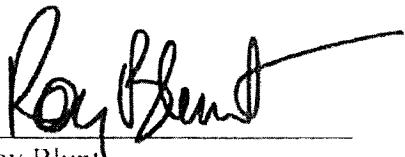


Jeff Merkley  
United States Senator

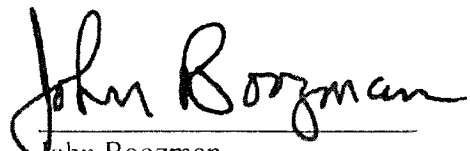




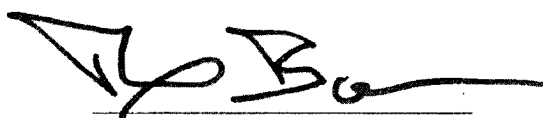
Kelly Ayotte  
United States Senator



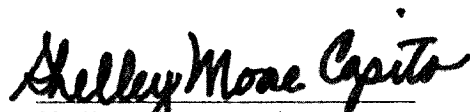
Roy Blunt  
United States Senator



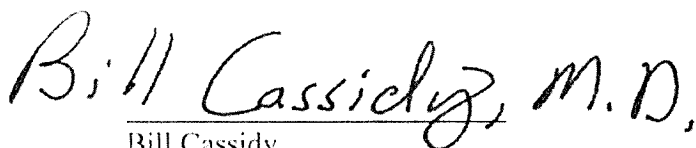
John Boozman  
United States Senator



Richard Burr  
United States Senator



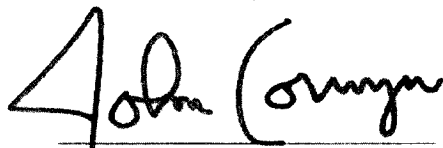
Shelley Moore Capito  
United States Senator



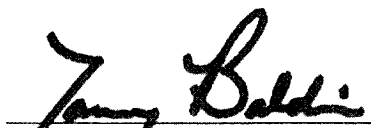
Bill Cassidy  
United States Senator



Thad Cochran  
United States Senator



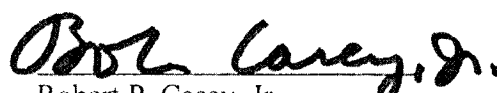
John Cornyn  
United States Senator



Tommy Baldwin  
United States Senator



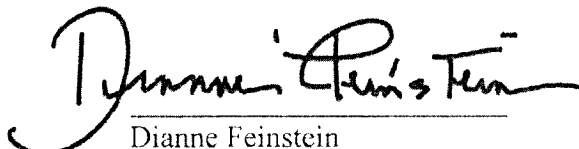
Sherrod Brown  
United States Senator



Robert P. Casey, Jr.  
United States Senator



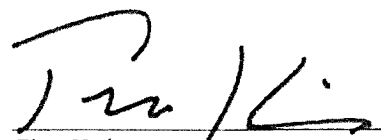
Joe Donnelly  
United States Senator



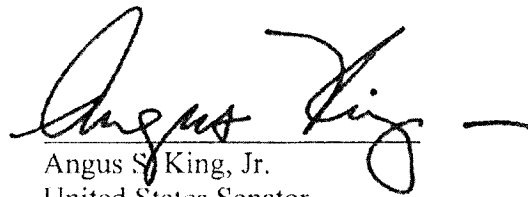
Dianne Feinstein  
United States Senator



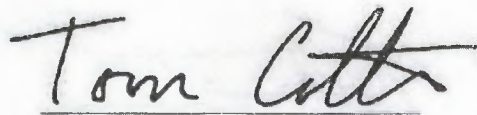
Al Franken  
United States Senator



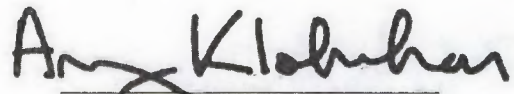
Tim Kaine  
United States Senator



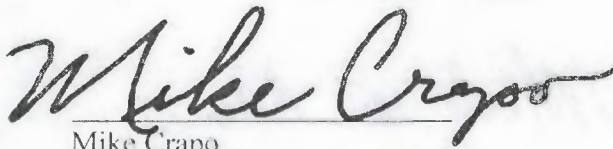
Angus S. King, Jr.  
United States Senator



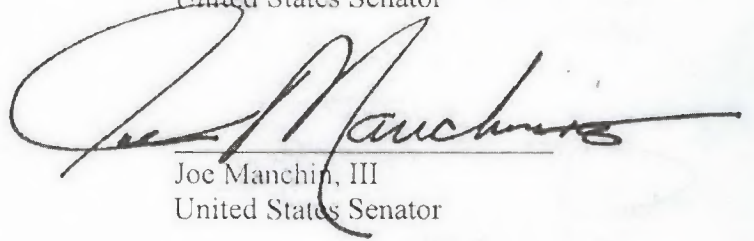
Tom Cotton  
United States Senator



Amy Klobuchar  
United States Senator



Mike Crapo  
United States Senator



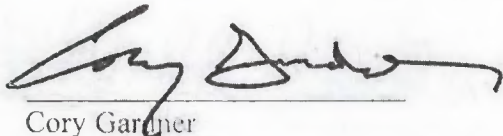
Joe Manchin, III  
United States Senator



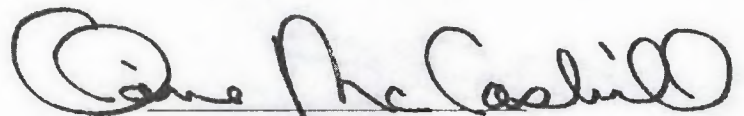
Steve Daines  
United States Senator



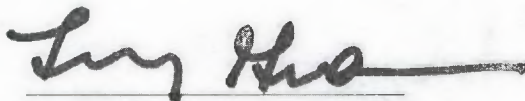
Barbara A. Mikulski  
United States Senator



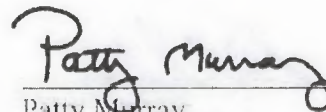
Cory Gardner  
United States Senator



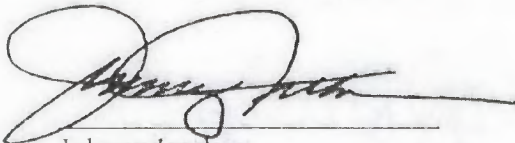
Claire A. McCaskill  
United States Senator



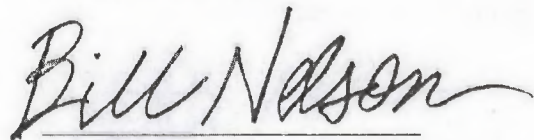
Lindsey Graham  
United States Senator



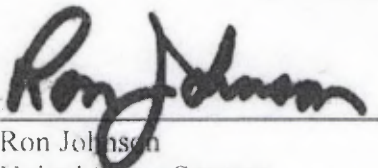
Patty Murray  
United States Senator



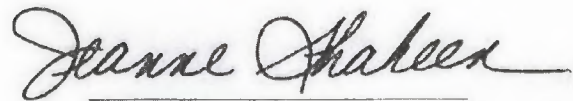
Johnny Isakson  
United States Senator



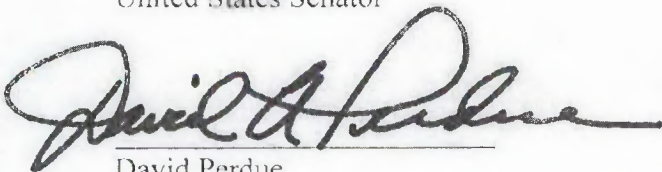
Bill Nelson  
United States Senator



Ron Johnson  
United States Senator



Jeanne Shaheen  
United States Senator



David Perdue  
United States Senator


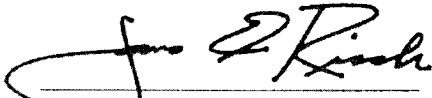


Debbie Stabenow  
United States Senator

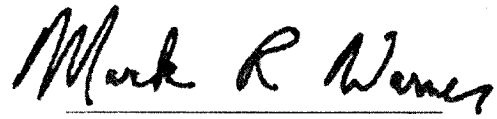





Rob Portman  
United States Senator

  
Jon Tester  
United States Senator

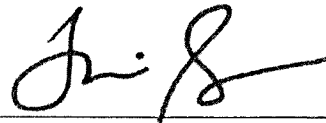
James L. Risch  
United States Senator



Mark R. Warner  
United States Senator



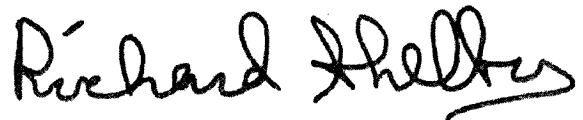
Jeff Sessions  
United States Senator



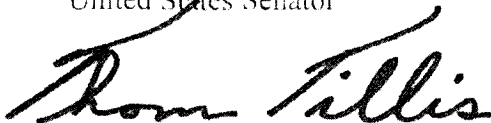
Tim Scott  
United States Senator



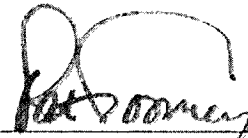
John Thune  
United States Senator



Richard C. Shelby  
United States Senator



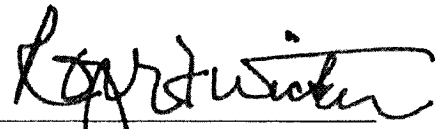
Thom Tillis  
United States Senator



Patrick J. Toomey  
United States Senator



David Vitter  
United States Senator



Roger F. Wicker  
United States Senator



December 23, 2015

The Honorable Susan M. Collins  
United States Senate  
Washington, D.C. 20510

Dear Senator Collins:

Thank you for your June 30, 2015, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy, U.S. Department of Agriculture Secretary Thomas J. Vilsack, and U.S. Department of Energy Secretary Ernest Moniz, regarding the role of forest bioenergy in meeting our Nation's energy and climate goals. They have asked us to respond on their behalf.

The President's Climate Action Plan and All-of-the-Above Energy Strategy lay a foundation for a clean energy future and foster expansion of renewable energy, including biomass. At the same time, the President's Climate Action Plan highlights the critical role that America's forests play in addressing carbon pollution in the United States. Our agencies agree that production and use of biomass energy can be an integral part of regimes that promote conservation and responsible forest management. States also recognize the importance of forests, and many have been developing a variety of forest and land use management policies and programs that both address climate change and foster increased biomass utilization as part of their energy future.

Recent EPA regulatory action and scientific work on assessing biogenic carbon dioxide (CO<sub>2</sub>) emissions from stationary sources is part of this broad climate strategy. In August 2015, EPA released the final Clean Power Plan (CPP), which describes the ways in which the use of biomass may be a component of state plans. For example, in the CPP, EPA generally acknowledges the benefits of waste-derived biogenic feedstocks and certain forest- and agriculture-derived industrial byproduct feedstocks and expects that these feedstocks would likely be approvable in a state plan. To support states and stakeholders in incorporating bioenergy in their state plans, EPA plans to hold a public workshop in early 2016 for stakeholders to share their successes, experiences, and approaches to deploying biomass in ways that have been, and can be, carbon beneficial. In addition, EPA has also developed a revised *Framework for Assessing Biogenic Carbon Dioxide from Stationary Sources* that can assist states when considering the role of biomass in state plan submittals. The revised report takes into account the latest information from the scientific community and other stakeholders, including findings from EPA's Science Advisory Board (SAB) review of the first draft framework. EPA is continuing to refine its accounting work through a second round of targeted peer review with the SAB in 2015.<sup>1</sup>

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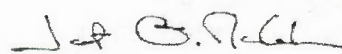
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DOE recognizes the importance of wood as a renewable energy source. DOE is leading efforts to develop and demonstrate technologies for producing cost-competitive advanced biofuels from non-food biomass resources, including forest and wood resources, algae, and waste streams. These efforts require rigorous scientific study and evaluation to understand the impacts of various biomass feedstocks, especially woody resources, to optimize the benefits of their use.

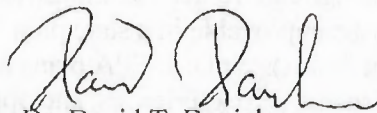
In the context of the President's Climate Action Plan and All-of-the-Above Energy Strategy, DOE, EPA, and USDA will work together to ensure that biomass energy plays a role in America's clean energy future. As stated in your letter, the American people deserve a Federal policy that recognizes the benefits of forest bioenergy. Together, our agencies are working carefully and consistently to quantify the benefits of using wood for energy.

Again, thank you for your letter. If you have further questions, please contact us, or your staff may contact Ms. Patricia Haman in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2806; Ms. Jaime Shimek, DOE's Deputy Assistant Secretary for Senate Affairs at (202) 586-5450; or Mr. Todd Batta, USDA's Assistant Secretary for Congressional Relations at (202) 720-7095.

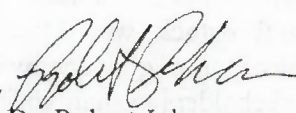
Sincerely,



Janet G. McCabe  
Acting Assistant Administrator  
Office of Air and Radiation  
U.S. Environmental Protection  
Agency



Dr. David T. Danielson  
Assistant Secretary  
Office of Energy Efficiency  
and Renewable Energy  
U.S. Department of Energy



Dr. Robert Johansson  
Chief Economist  
U.S. Department of Agriculture



December 23, 2015

The Honorable Jeffrey A. Merkley  
United States Senate  
Washington, D.C. 20510

Dear Senator Merkley:

Thank you for your June 30, 2015, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy, U.S. Department of Agriculture Secretary Thomas J. Vilsack, and U.S. Department of Energy Secretary Ernest Moniz, regarding the role of forest bioenergy in meeting our Nation's energy and climate goals. They have asked us to respond on their behalf.

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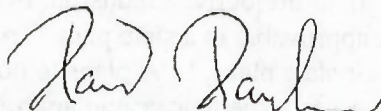
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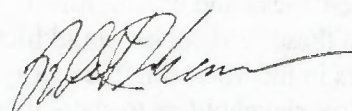
Sincerely,



Janet G. McCabe  
Acting Assistant Administrator  
Office of Air and Radiation  
U.S. Environmental Protection  
Agency



Dr. David T. Danielson  
Assistant Secretary  
Office of Energy Efficiency  
and Renewable Energy  
U.S. Department of Energy



Dr. Robert Johansson  
Chief Economist  
U.S. Department of Agriculture



December 23, 2015

The Honorable Kelly A. Ayotte  
United States Senate  
Washington, D.C. 20510

Dear Senator Ayotte:

Thank you for your June 30, 2015, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy, U.S. Department of Agriculture Secretary Thomas J. Vilsack, and U.S. Department of Energy Secretary Ernest Moniz, regarding the role of forest bioenergy in meeting our Nation's energy and climate goals. They have asked us to respond on their behalf.

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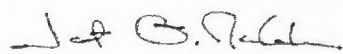
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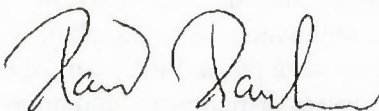
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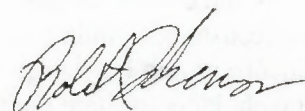
Sincerely,



Janet G. McCabe  
Acting Assistant Administrator  
Office of Air and Radiation  
U.S. Environmental Protection  
Agency



Dr. David T. Danielson  
Assistant Secretary  
Office of Energy Efficiency  
and Renewable Energy  
U.S. Department of Energy



Dr. Robert Johansson  
Chief Economist  
U.S. Department of Agriculture



December 23, 2015

The Honorable Roy Blunt  
United States Senate  
Washington, D.C. 20510

Dear Senator Blunt:

Thank you for your June 30, 2015, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy, U.S. Department of Agriculture Secretary Thomas J. Vilsack, and U.S. Department of Energy Secretary Ernest Moniz, regarding the role of forest bioenergy in meeting our Nation's energy and climate goals. They have asked us to respond on their behalf.

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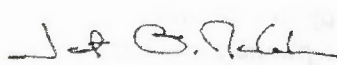
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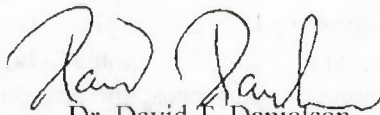
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Sincerely,



Janet G. McCabe  
Acting Assistant Administrator  
Office of Air and Radiation  
U.S. Environmental Protection  
Agency



Dr. David T. Danielson  
Assistant Secretary  
Office of Energy Efficiency  
and Renewable Energy  
U.S. Department of Energy



Dr. Robert Johansson  
Chief Economist  
U.S. Department of Agriculture



December 23, 2015

The Honorable John Boozman  
United States Senate  
Washington, D.C. 20510

Dear Senator Boozman:

Thank you for your June 30, 2015, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy, U.S. Department of Agriculture Secretary Thomas J. Vilsack, and U.S. Department of Energy Secretary Ernest Moniz, regarding the role of forest bioenergy in meeting our Nation's energy and climate goals. They have asked us to respond on their behalf.

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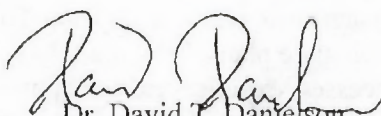
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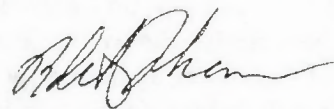
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Dr. David T. Danielson  
Assistant Secretary  
Office of Energy Efficiency  
and Renewable Energy  
U.S. Department of Energy



Dr. Robert Johansson  
Chief Economist  
U.S. Department of Agriculture



December 23, 2015

The Honorable Richard Burr  
United States Senate  
Washington, D.C. 20510

Dear Senator Burr:

Thank you for your June 30, 2015, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy, U.S. Department of Agriculture Secretary Thomas J. Vilsack, and U.S. Department of Energy Secretary Ernest Moniz, regarding the role of forest bioenergy in meeting our Nation's energy and climate goals. They have asked us to respond on their behalf.

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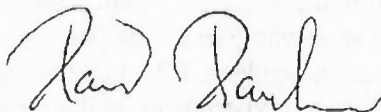
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Again, thank you for your letter. If you have further questions, please contact us, or your staff may contact Ms. Patricia Haman in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2806; Ms. Jaime Shimek, DOE's Deputy Assistant Secretary for Senate Affairs at (202) 586-5450; or Mr. Todd Batta, USDA's Assistant Secretary for Congressional Relations at (202) 720-7095.

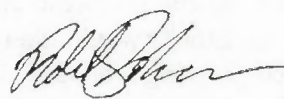
Sincerely,



Janet G. McCabe  
Acting Assistant Administrator  
Office of Air and Radiation  
U.S. Environmental Protection  
Agency



Dr. David T. Danielson  
Assistant Secretary  
Office of Energy Efficiency  
and Renewable Energy  
U.S. Department of Energy



Dr. Robert Johansson  
Chief Economist  
U.S. Department of Agriculture



December 23, 2015

The Honorable Shelley Moore Capito  
United States Senate  
Washington, D.C. 20510

Dear Senator Capito:

Thank you for your June 30, 2015, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy, U.S. Department of Agriculture Secretary Thomas J. Vilsack, and U.S. Department of Energy Secretary Ernest Moniz, regarding the role of forest bioenergy in meeting our Nation's energy and climate goals. They have asked us to respond on their behalf.

The President's Climate Action Plan and All-of-the-Above Energy Strategy lay a foundation for a clean energy future and foster expansion of renewable energy, including biomass. At the same time, the President's Climate Action Plan highlights the critical role that America's forests play in addressing carbon pollution in the United States. Our agencies agree that production and use of biomass energy can be an integral part of regimes that promote conservation and responsible forest management. States also recognize the importance of forests, and many have been developing a variety of forest and land use management policies and programs that both address climate change and foster increased biomass utilization as part of their energy future.

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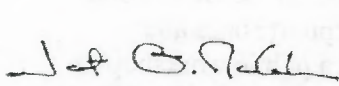
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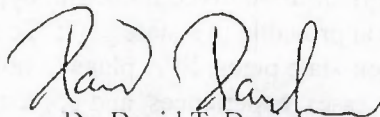
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Again, thank you for your letter. If you have further questions, please contact us, or your staff may contact Ms. Patricia Haman in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2806; Ms. Jaime Shimek, DOE's Deputy Assistant Secretary for Senate Affairs at (202) 586-5450; or Mr. Todd Batta, USDA's Assistant Secretary for Congressional Relations at (202) 720-7095.

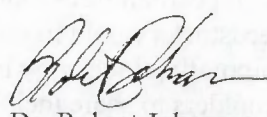
Sincerely,



Janet G. McCabe  
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Office of Air and Radiation  
U.S. Environmental Protection  
Agency



Dr. David T. Danielson  
Assistant Secretary  
Office of Energy Efficiency  
and Renewable Energy  
U.S. Department of Energy



Dr. Robert Johansson  
Chief Economist  
U.S. Department of Agriculture



December 23, 2015

The Honorable Bill Cassidy, M.D.  
United States Senate  
Washington, D.C. 20510

Dear Senator Cassidy:

Thank you for your June 30, 2015, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy, U.S. Department of Agriculture Secretary Thomas J. Vilsack, and U.S. Department of Energy Secretary Ernest Moniz, regarding the role of forest bioenergy in meeting our Nation's energy and climate goals. They have asked us to respond on their behalf.

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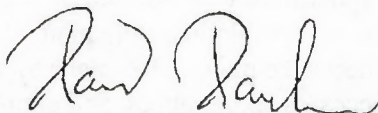
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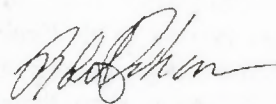
Sincerely,



Janet G. McCabe  
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Office of Air and Radiation  
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Dr. David T. Danielson  
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Office of Energy Efficiency  
and Renewable Energy  
U.S. Department of Energy



Dr. Robert Johansson  
Chief Economist  
U.S. Department of Agriculture



December 23, 2015

The Honorable Thad Cochran  
United States Senate  
Washington, D.C. 20510

Dear Senator Cochran:

Thank you for your June 30, 2015, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy, U.S. Department of Agriculture Secretary Thomas J. Vilsack, and U.S. Department of Energy Secretary Ernest Moniz, regarding the role of forest bioenergy in meeting our Nation's energy and climate goals. They have asked us to respond on their behalf.

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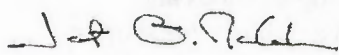
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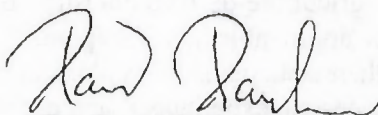
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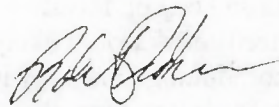
Sincerely,



Janet G. McCabe  
Acting Assistant Administrator  
Office of Air and Radiation  
U.S. Environmental Protection  
Agency



Dr. David T. Danielson  
Assistant Secretary  
Office of Energy Efficiency  
and Renewable Energy  
U.S. Department of Energy



Dr. Robert Johansson  
Chief Economist  
U.S. Department of Agriculture



December 23, 2015

The Honorable John Cornyn  
United States Senate  
Washington, D.C. 20510

Dear Senator Cornyn:

Thank you for your June 30, 2015, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy, U.S. Department of Agriculture Secretary Thomas J. Vilsack, and U.S. Department of Energy Secretary Ernest Moniz, regarding the role of forest bioenergy in meeting our Nation's energy and climate goals. They have asked us to respond on their behalf.

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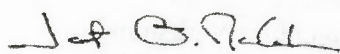
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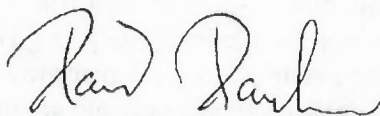
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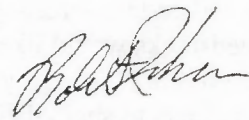
Sincerely,



Janet G. McCabe  
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Office of Air and Radiation  
U.S. Environmental Protection  
Agency



Dr. David T. Danielson  
Assistant Secretary  
Office of Energy Efficiency  
and Renewable Energy  
U.S. Department of Energy



Dr. Robert Johansson  
Chief Economist  
U.S. Department of Agriculture



December 23, 2015

The Honorable Tammy Baldwin  
United States Senate  
Washington, D.C. 20510

Dear Senator Baldwin:

Thank you for your June 30, 2015, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy, U.S. Department of Agriculture Secretary Thomas J. Vilsack, and U.S. Department of Energy Secretary Ernest Moniz, regarding the role of forest bioenergy in meeting our Nation's energy and climate goals. They have asked us to respond on their behalf.

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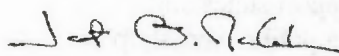
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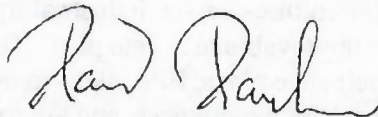
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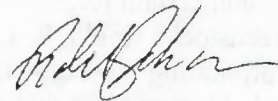
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U.S. Environmental Protection  
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Assistant Secretary  
Office of Energy Efficiency  
and Renewable Energy  
U.S. Department of Energy



Dr. Robert Johansson  
Chief Economist  
U.S. Department of Agriculture



December 23, 2015

The Honorable Sherrod Brown  
United States Senate  
Washington, D.C. 20510

Dear Senator Brown:

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USDA recognizes the important role forest management and biomass will play in both our energy and climate future. Increasing the demand for wood for energy results in more forest area, more forest investment, and potential greenhouse gas reductions. To increase forest stocks and improve forest health and management, we must develop incentives that keep working forestland forested and support forest restoration, reforestation, and afforestation. This is all the more critical, especially amid development pressures and increasing threats from insects, disease, and wildfire.

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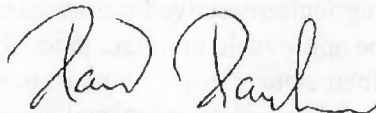
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Again, thank you for your letter. If you have further questions, please contact us, or your staff may contact Ms. Patricia Haman in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2806; Ms. Jaime Shimek, DOE's Deputy Assistant Secretary for Senate Affairs at (202) 586-5450; or Mr. Todd Batta, USDA's Assistant Secretary for Congressional Relations at (202) 720-7095.

Sincerely,



Janet G. McCabe  
Acting Assistant Administrator  
Office of Air and Radiation  
U.S. Environmental Protection  
Agency



Dr. David T. Danielson  
Assistant Secretary  
Office of Energy Efficiency  
and Renewable Energy  
U.S. Department of Energy



Dr. Robert Johansson  
Chief Economist  
U.S. Department of Agriculture



December 23, 2015

The Honorable Robert P. Casey, Jr.  
United States Senate  
Washington, D.C. 20510

Dear Senator Casey:

Thank you for your June 30, 2015, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy, U.S. Department of Agriculture Secretary Thomas J. Vilsack, and U.S. Department of Energy Secretary Ernest Moniz, regarding the role of forest bioenergy in meeting our Nation's energy and climate goals. They have asked us to respond on their behalf.

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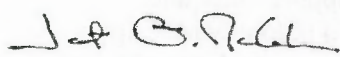
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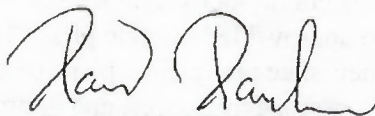
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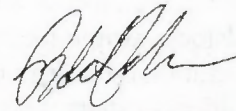
Sincerely,



Janet G. McCabe  
Acting Assistant Administrator  
Office of Air and Radiation  
U.S. Environmental Protection  
Agency



Dr. David T. Danielson  
Assistant Secretary  
Office of Energy Efficiency  
and Renewable Energy  
U.S. Department of Energy



Dr. Robert Johansson  
Chief Economist  
U.S. Department of Agriculture



December 23, 2015

The Honorable Joe Donnelly  
United States Senate  
Washington, D.C. 20510

Dear Senator Donnelly:

Thank you for your June 30, 2015, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy, U.S. Department of Agriculture Secretary Thomas J. Vilsack, and U.S. Department of Energy Secretary Ernest Moniz, regarding the role of forest bioenergy in meeting our Nation's energy and climate goals. They have asked us to respond on their behalf.

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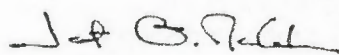
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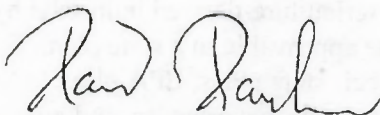
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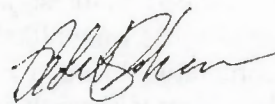
Sincerely,



Janet G. McCabe  
Acting Assistant Administrator  
Office of Air and Radiation  
U.S. Environmental Protection  
Agency



Dr. David T. Danielson  
Assistant Secretary  
Office of Energy Efficiency  
and Renewable Energy  
U.S. Department of Energy



Dr. Robert Johansson  
Chief Economist  
U.S. Department of Agriculture



December 23, 2015

The Honorable Dianne Feinstein  
United States Senate  
Washington, D.C. 20510

Dear Senator Feinstein:

Thank you for your June 30, 2015, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy, U.S. Department of Agriculture Secretary Thomas J. Vilsack, and U.S. Department of Energy Secretary Ernest Moniz, regarding the role of forest bioenergy in meeting our Nation's energy and climate goals. They have asked us to respond on their behalf.

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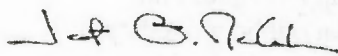
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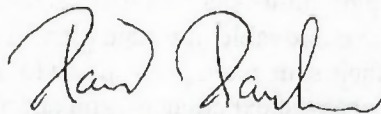
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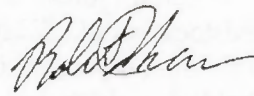
Sincerely,



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Dr. David T. Danielson  
Assistant Secretary  
Office of Energy Efficiency  
and Renewable Energy  
U.S. Department of Energy



Dr. Robert Johansson  
Chief Economist  
U.S. Department of Agriculture



December 23, 2015

The Honorable Al Franken  
United States Senate  
Washington, D.C. 20510

Dear Senator Franken:

Thank you for your June 30, 2015, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy, U.S. Department of Agriculture Secretary Thomas J. Vilsack, and U.S. Department of Energy Secretary Ernest Moniz, regarding the role of forest bioenergy in meeting our Nation's energy and climate goals. They have asked us to respond on their behalf.

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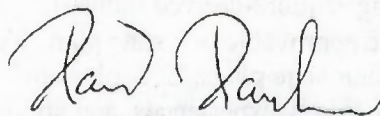
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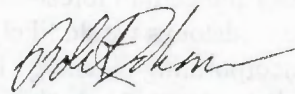
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Office of Energy Efficiency  
and Renewable Energy  
U.S. Department of Energy



Dr. Robert Johansson  
Chief Economist  
U.S. Department of Agriculture



December 23, 2015

The Honorable Tim Kaine  
United States Senate  
Washington, D.C. 20510

Dear Senator Kaine:

Thank you for your June 30, 2015, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy, U.S. Department of Agriculture Secretary Thomas J. Vilsack, and U.S. Department of Energy Secretary Ernest Moniz, regarding the role of forest bioenergy in meeting our Nation's energy and climate goals. They have asked us to respond on their behalf.

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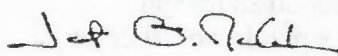
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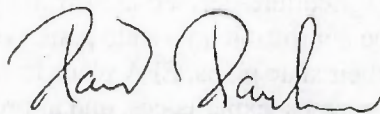
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Again, thank you for your letter. If you have further questions, please contact us, or your staff may contact Ms. Patricia Haman in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2806; Ms. Jaime Shimek, DOE's Deputy Assistant Secretary for Senate Affairs at (202) 586-5450; or Mr. Todd Batta, USDA's Assistant Secretary for Congressional Relations at (202) 720-7095.

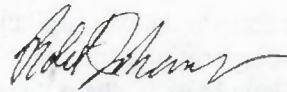
Sincerely,



Janet G. McCabe  
Acting Assistant Administrator  
Office of Air and Radiation  
U.S. Environmental Protection  
Agency



Dr. David T. Danielson  
Assistant Secretary  
Office of Energy Efficiency  
and Renewable Energy  
U.S. Department of Energy



Dr. Robert Johansson  
Chief Economist  
U.S. Department of Agriculture



December 23, 2015

The Honorable Angus S. King, Jr.  
United States Senate  
Washington, D.C. 20510

Dear Senator King:

Thank you for your June 30, 2015, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy, U.S. Department of Agriculture Secretary Thomas J. Vilsack, and U.S. Department of Energy Secretary Ernest Moniz, regarding the role of forest bioenergy in meeting our Nation's energy and climate goals. They have asked us to respond on their behalf.

The President's Climate Action Plan and All-of-the-Above Energy Strategy lay a foundation for a clean energy future and foster expansion of renewable energy, including biomass. At the same time, the President's Climate Action Plan highlights the critical role that America's forests play in addressing carbon pollution in the United States. Our agencies agree that production and use of biomass energy can be an integral part of regimes that promote conservation and responsible forest management. States also recognize the importance of forests, and many have been developing a variety of forest and land use management policies and programs that both address climate change and foster increased biomass utilization as part of their energy future.

Recent EPA regulatory action and scientific work on assessing biogenic carbon dioxide (CO<sub>2</sub>) emissions from stationary sources is part of this broad climate strategy. In August 2015, EPA released the final Clean Power Plan (CPP), which describes the ways in which the use of biomass may be a component of state plans. For example, in the CPP, EPA generally acknowledges the benefits of waste-derived biogenic feedstocks and certain forest- and agriculture-derived industrial byproduct feedstocks and expects that these feedstocks would likely be approvable in a state plan. To support states and stakeholders in incorporating bioenergy in their state plans, EPA plans to hold a public workshop in early 2016 for stakeholders to share their successes, experiences, and approaches to deploying biomass in ways that have been, and can be, carbon beneficial. In addition, EPA has also developed a revised *Framework for Assessing Biogenic Carbon Dioxide from Stationary Sources* that can assist states when considering the role of biomass in state plan submittals. The revised report takes into account the latest information from the scientific community and other stakeholders, including findings from EPA's Science Advisory Board (SAB) review of the first draft framework. EPA is continuing to refine its accounting work through a second round of targeted peer review with the SAB in 2015.<sup>1</sup>

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USDA recognizes the important role forest management and biomass will play in both our energy and climate future. Increasing the demand for wood for energy results in more forest area, more forest investment, and potential greenhouse gas reductions. To increase forest stocks and improve forest health and management, we must develop incentives that keep working forestland forested and support forest restoration, reforestation, and afforestation. This is all the more critical, especially amid development pressures and increasing threats from insects, disease, and wildfire.

Under USDA's Wood to Energy Initiative, USDA has supported over 230 Wood Energy projects through nearly \$1 billion in grants, loans, and loan guarantees since 2009 through a host of programs, including the Renewable Energy for America Program and the Biomass Crop Assistance Program. USDA has established state-wide wood energy teams in 19 states that are helping deliver needed technical and financial assistance to expand those markets further.

DOE recognizes the importance of wood as a renewable energy source. DOE is leading efforts to develop and demonstrate technologies for producing cost-competitive advanced biofuels from non-food biomass resources, including forest and wood resources, algae, and waste streams. These efforts require rigorous scientific study and evaluation to understand the impacts of various biomass feedstocks, especially woody resources, to optimize the benefits of their use.

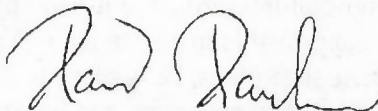
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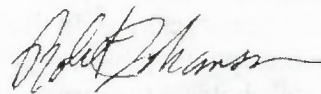
Sincerely,



Janet G. McCabe  
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Office of Air and Radiation  
U.S. Environmental Protection  
Agency



Dr. David T. Danielson  
Assistant Secretary  
Office of Energy Efficiency  
and Renewable Energy  
U.S. Department of Energy



Dr. Robert Johansson  
Chief Economist  
U.S. Department of Agriculture



December 23, 2015

The Honorable Tom Cotton  
United States Senate  
Washington, D.C. 20510

Dear Senator Cotton:

Thank you for your June 30, 2015, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy, U.S. Department of Agriculture Secretary Thomas J. Vilsack, and U.S. Department of Energy Secretary Ernest Moniz, regarding the role of forest bioenergy in meeting our Nation's energy and climate goals. They have asked us to respond on their behalf.

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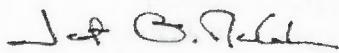
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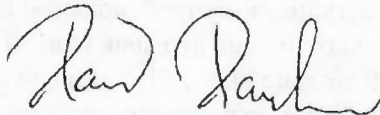
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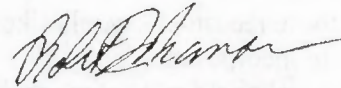
Sincerely,



Janet G. McCabe  
Acting Assistant Administrator  
Office of Air and Radiation  
U.S. Environmental Protection  
Agency



Dr. David T. Danielson  
Assistant Secretary  
Office of Energy Efficiency  
and Renewable Energy  
U.S. Department of Energy



Dr. Robert Johansson  
Chief Economist  
U.S. Department of Agriculture



December 23, 2015

The Honorable Michael D. Crapo  
United States Senate  
Washington, D.C. 20510

Dear Senator Crapo:

Thank you for your June 30, 2015, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy, U.S. Department of Agriculture Secretary Thomas J. Vilsack, and U.S. Department of Energy Secretary Ernest Moniz, regarding the role of forest bioenergy in meeting our Nation's energy and climate goals. They have asked us to respond on their behalf.

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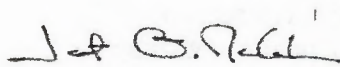
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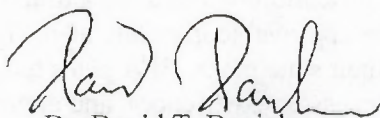
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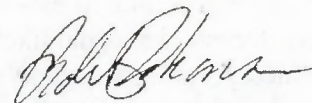
Sincerely,



Janet G. McCabe  
Acting Assistant Administrator  
Office of Air and Radiation  
U.S. Environmental Protection  
Agency



Dr. David T. Danielson  
Assistant Secretary  
Office of Energy Efficiency  
and Renewable Energy  
U.S. Department of Energy



Dr. Robert Johansson  
Chief Economist  
U.S. Department of Agriculture



December 23, 2015

The Honorable Steve Daines  
United States Senate  
Washington, D.C. 20510

Dear Senator Daines:

Thank you for your June 30, 2015, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy, U.S. Department of Agriculture Secretary Thomas J. Vilsack, and U.S. Department of Energy Secretary Ernest Moniz, regarding the role of forest bioenergy in meeting our Nation's energy and climate goals. They have asked us to respond on their behalf.

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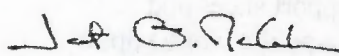
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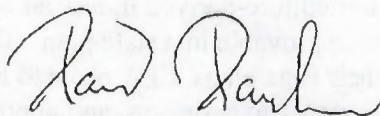
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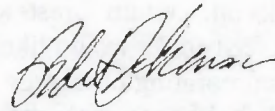
Sincerely,



Janet G. McCabe  
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Office of Air and Radiation  
U.S. Environmental Protection  
Agency



Dr. David T. Danielson  
Assistant Secretary  
Office of Energy Efficiency  
and Renewable Energy  
U.S. Department of Energy



Dr. Robert Johansson  
Chief Economist  
U.S. Department of Agriculture



December 23, 2015

The Honorable Cory Gardner  
United States Senate  
Washington, D.C. 20510

Dear Senator Gardner:

Thank you for your June 30, 2015, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy, U.S. Department of Agriculture Secretary Thomas J. Vilsack, and U.S. Department of Energy Secretary Ernest Moniz, regarding the role of forest bioenergy in meeting our Nation's energy and climate goals. They have asked us to respond on their behalf.

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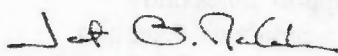
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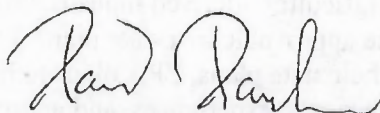
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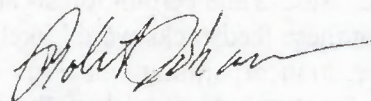
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Assistant Secretary  
Office of Energy Efficiency  
and Renewable Energy  
U.S. Department of Energy



Dr. Robert Johansson  
Chief Economist  
U.S. Department of Agriculture



December 23, 2015

The Honorable Lindsey Graham  
United States Senate  
Washington, D.C. 20510

Dear Senator Graham:

Thank you for your June 30, 2015, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy, U.S. Department of Agriculture Secretary Thomas J. Vilsack, and U.S. Department of Energy Secretary Ernest Moniz, regarding the role of forest bioenergy in meeting our Nation's energy and climate goals. They have asked us to respond on their behalf.

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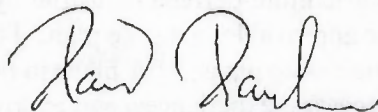
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Sincerely,



Janet G. McCabe  
Acting Assistant Administrator  
Office of Air and Radiation  
U.S. Environmental Protection  
Agency



Dr. David T. Danielson  
Assistant Secretary  
Office of Energy Efficiency  
and Renewable Energy  
U.S. Department of Energy



Dr. Robert Johansson  
Chief Economist  
U.S. Department of Agriculture



December 23, 2015

The Honorable Johnny Isakson  
United States Senate  
Washington, D.C. 20510

Dear Senator Isakson:

Thank you for your June 30, 2015, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy, U.S. Department of Agriculture Secretary Thomas J. Vilsack, and U.S. Department of Energy Secretary Ernest Moniz, regarding the role of forest bioenergy in meeting our Nation's energy and climate goals. They have asked us to respond on their behalf.

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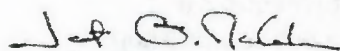
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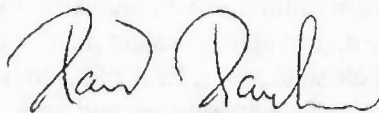
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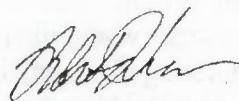
Sincerely,



Janet G. McCabe  
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Office of Air and Radiation  
U.S. Environmental Protection  
Agency



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Assistant Secretary  
Office of Energy Efficiency  
and Renewable Energy  
U.S. Department of Energy



Dr. Robert Johansson  
Chief Economist  
U.S. Department of Agriculture



December 23, 2015

The Honorable Ron Johnson  
United States Senate  
Washington, D.C. 20510

Dear Senator Johnson:

Thank you for your June 30, 2015, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy, U.S. Department of Agriculture Secretary Thomas J. Vilsack, and U.S. Department of Energy Secretary Ernest Moniz, regarding the role of forest bioenergy in meeting our Nation's energy and climate goals. They have asked us to respond on their behalf.

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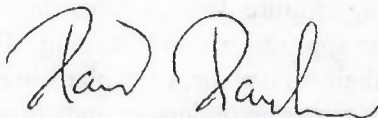
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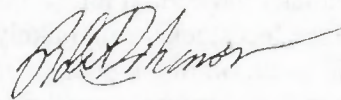
Sincerely,



Janet G. McCabe  
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U.S. Environmental Protection  
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Dr. David T. Danielson  
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Office of Energy Efficiency  
and Renewable Energy  
U.S. Department of Energy



Dr. Robert Johansson  
Chief Economist  
U.S. Department of Agriculture



December 23, 2015

The Honorable David Perdue  
United States Senate  
Washington, D.C. 20510

Dear Senator Perdue:

Thank you for your June 30, 2015, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy, U.S. Department of Agriculture Secretary Thomas J. Vilsack, and U.S. Department of Energy Secretary Ernest Moniz, regarding the role of forest bioenergy in meeting our Nation's energy and climate goals. They have asked us to respond on their behalf.

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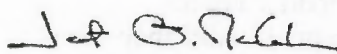
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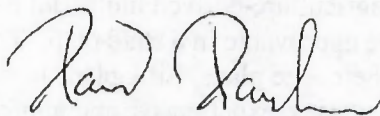
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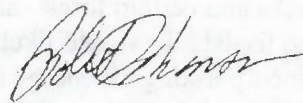
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Office of Energy Efficiency  
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U.S. Department of Energy



Dr. Robert Johansson  
Chief Economist  
U.S. Department of Agriculture



December 23, 2015

The Honorable Amy Klobuchar  
United States Senate  
Washington, D.C. 20510

Dear Senator Klobuchar:

Thank you for your June 30, 2015, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy, U.S. Department of Agriculture Secretary Thomas J. Vilsack, and U.S. Department of Energy Secretary Ernest Moniz, regarding the role of forest bioenergy in meeting our Nation's energy and climate goals. They have asked us to respond on their behalf.

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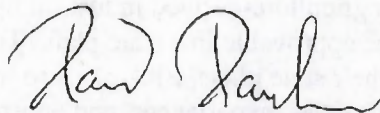
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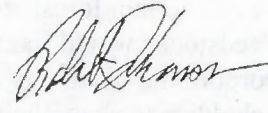
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U.S. Department of Energy



Dr. Robert Johansson  
Chief Economist  
U.S. Department of Agriculture



December 23, 2015

The Honorable Joe Manchin, III  
United States Senate  
Washington, D.C. 20510

Dear Senator Manchin:

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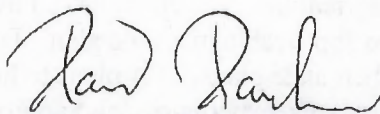
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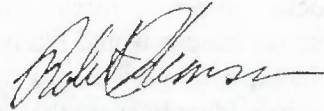
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Assistant Secretary  
Office of Energy Efficiency  
and Renewable Energy  
U.S. Department of Energy



Dr. Robert Johansson  
Chief Economist  
U.S. Department of Agriculture



December 23, 2015

The Honorable Barbara A. Mikulski  
United States Senate  
Washington, D.C. 20510

Dear Senator Mikulski:

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The President's Climate Action Plan and All-of-the-Above Energy Strategy lay a foundation for a clean energy future and foster expansion of renewable energy, including biomass. At the same time, the President's Climate Action Plan highlights the critical role that America's forests play in addressing carbon pollution in the United States. Our agencies agree that production and use of biomass energy can be an integral part of regimes that promote conservation and responsible forest management. States also recognize the importance of forests, and many have been developing a variety of forest and land use management policies and programs that both address climate change and foster increased biomass utilization as part of their energy future.

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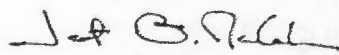
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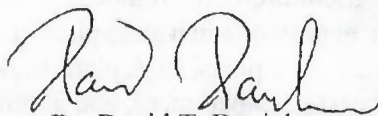
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Again, thank you for your letter. If you have further questions, please contact us, or your staff may contact Ms. Patricia Haman in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2806; Ms. Jaime Shimek, DOE's Deputy Assistant Secretary for Senate Affairs at (202) 586-5450; or Mr. Todd Batta, USDA's Assistant Secretary for Congressional Relations at (202) 720-7095.

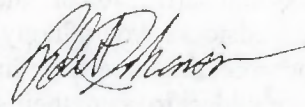
Sincerely,



Janet G. McCabe  
Acting Assistant Administrator  
Office of Air and Radiation  
U.S. Environmental Protection  
Agency



Dr. David T. Danielson  
Assistant Secretary  
Office of Energy Efficiency  
and Renewable Energy  
U.S. Department of Energy



Dr. Robert Johansson  
Chief Economist  
U.S. Department of Agriculture



December 23, 2015

The Honorable Claire A. McCaskill  
United States Senate  
Washington, D.C. 20510

Dear Senator McCaskill:

Thank you for your June 30, 2015, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy, U.S. Department of Agriculture Secretary Thomas J. Vilsack, and U.S. Department of Energy Secretary Ernest Moniz, regarding the role of forest bioenergy in meeting our Nation's energy and climate goals. They have asked us to respond on their behalf.

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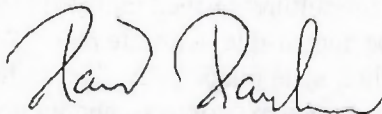
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Office of Energy Efficiency  
and Renewable Energy  
U.S. Department of Energy



Dr. Robert Johansson  
Chief Economist  
U.S. Department of Agriculture



December 23, 2015

The Honorable Patty Murray  
United States Senate  
Washington, D.C. 20510

Dear Senator Murray:

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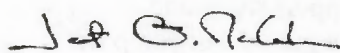
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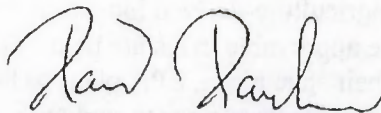
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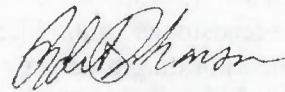
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and Renewable Energy  
U.S. Department of Energy



Dr. Robert Johansson  
Chief Economist  
U.S. Department of Agriculture



December 23, 2015

The Honorable Bill Nelson  
United States Senate  
Washington, D.C. 20510

Dear Senator Nelson:

Thank you for your June 30, 2015, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy, U.S. Department of Agriculture Secretary Thomas J. Vilsack, and U.S. Department of Energy Secretary Ernest Moniz, regarding the role of forest bioenergy in meeting our Nation's energy and climate goals. They have asked us to respond on their behalf.

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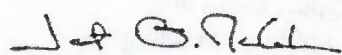
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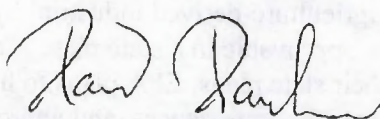
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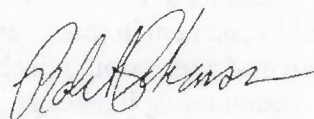
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U.S. Department of Energy



Dr. Robert Johansson  
Chief Economist  
U.S. Department of Agriculture



December 23, 2015

The Honorable Jeanne Shaheen  
United States Senate  
Washington, D.C. 20510

Dear Senator Shaheen:

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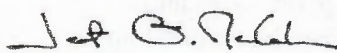
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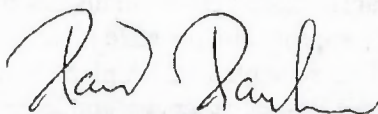
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Dr. Robert Johansson  
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December 23, 2015

The Honorable Debbie Stabenow  
United States Senate  
Washington, D.C. 20510

Dear Senator Stabenow:

Thank you for your June 30, 2015, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy, U.S. Department of Agriculture Secretary Thomas J. Vilsack, and U.S. Department of Energy Secretary Ernest Moniz, regarding the role of forest bioenergy in meeting our Nation's energy and climate goals. They have asked us to respond on their behalf.

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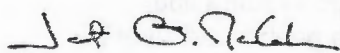
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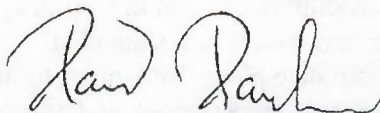
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Again, thank you for your letter. If you have further questions, please contact us, or your staff may contact Ms. Patricia Haman in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2806; Ms. Jaime Shimek, DOE's Deputy Assistant Secretary for Senate Affairs at (202) 586-5450; or Mr. Todd Batta, USDA's Assistant Secretary for Congressional Relations at (202) 720-7095.

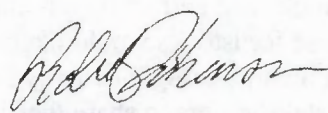
Sincerely,



Janet G. McCabe  
Acting Assistant Administrator  
Office of Air and Radiation  
U.S. Environmental Protection  
Agency



Dr. David T. Danielson  
Assistant Secretary  
Office of Energy Efficiency  
and Renewable Energy  
U.S. Department of Energy



Dr. Robert Johansson  
Chief Economist  
U.S. Department of Agriculture



December 23, 2015

The Honorable Rob Portman  
United States Senate  
Washington, D.C. 20510

Dear Senator Portman:

Thank you for your June 30, 2015, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy, U.S. Department of Agriculture Secretary Thomas J. Vilsack, and U.S. Department of Energy Secretary Ernest Moniz, regarding the role of forest bioenergy in meeting our Nation's energy and climate goals. They have asked us to respond on their behalf.

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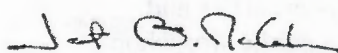
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DOE recognizes the importance of wood as a renewable energy source. DOE is leading efforts to develop and demonstrate technologies for producing cost-competitive advanced biofuels from non-food biomass resources, including forest and wood resources, algae, and waste streams. These efforts require rigorous scientific study and evaluation to understand the impacts of various biomass feedstocks, especially woody resources, to optimize the benefits of their use.

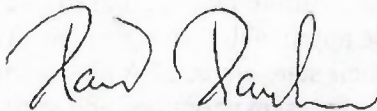
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Again, thank you for your letter. If you have further questions, please contact us, or your staff may contact Ms. Patricia Haman in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2806; Ms. Jaime Shimek, DOE's Deputy Assistant Secretary for Senate Affairs at (202) 586-5450; or Mr. Todd Batta, USDA's Assistant Secretary for Congressional Relations at (202) 720-7095.

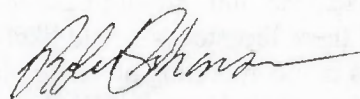
Sincerely,



Janet G. McCabe  
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U.S. Environmental Protection  
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Dr. David T. Danielson  
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Office of Energy Efficiency  
and Renewable Energy  
U.S. Department of Energy



Dr. Robert Johansson  
Chief Economist  
U.S. Department of Agriculture



December 23, 2015

The Honorable James E. Risch  
United States Senate  
Washington, D.C. 20510

Dear Senator Risch:

Thank you for your June 30, 2015, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy, U.S. Department of Agriculture Secretary Thomas J. Vilsack, and U.S. Department of Energy Secretary Ernest Moniz, regarding the role of forest bioenergy in meeting our Nation's energy and climate goals. They have asked us to respond on their behalf.

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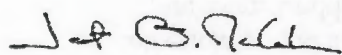
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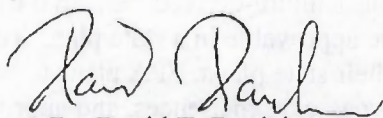
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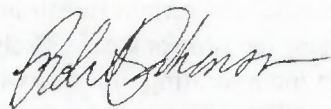
Sincerely,



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Office of Air and Radiation  
U.S. Environmental Protection  
Agency



Dr. David T. Danielson  
Assistant Secretary  
Office of Energy Efficiency  
and Renewable Energy  
U.S. Department of Energy



Dr. Robert Johansson  
Chief Economist  
U.S. Department of Agriculture



December 23, 2015

The Honorable Jeff Sessions  
United States Senate  
Washington, D.C. 20510

Dear Senator Sessions:

Thank you for your June 30, 2015, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy, U.S. Department of Agriculture Secretary Thomas J. Vilsack, and U.S. Department of Energy Secretary Ernest Moniz, regarding the role of forest bioenergy in meeting our Nation's energy and climate goals. They have asked us to respond on their behalf.

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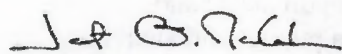
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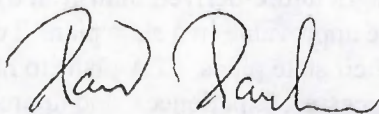
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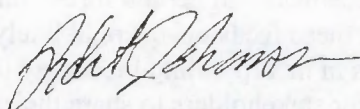
Sincerely,



Janet G. McCabe  
Acting Assistant Administrator  
Office of Air and Radiation  
U.S. Environmental Protection  
Agency



Dr. David T. Danielson  
Assistant Secretary  
Office of Energy Efficiency  
and Renewable Energy  
U.S. Department of Energy



Dr. Robert Johansson  
Chief Economist  
U.S. Department of Agriculture



December 23, 2015

The Honorable John Thune  
United States Senate  
Washington, D.C. 20510

Dear Senator Thune:

Thank you for your June 30, 2015, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy, U.S. Department of Agriculture Secretary Thomas J. Vilsack, and U.S. Department of Energy Secretary Ernest Moniz, regarding the role of forest bioenergy in meeting our Nation's energy and climate goals. They have asked us to respond on their behalf.

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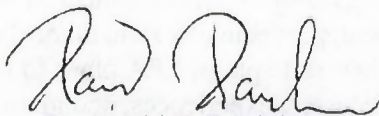
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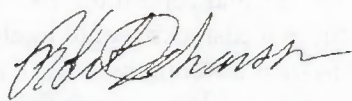
Sincerely,



Janet G. McCabe  
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Office of Air and Radiation  
U.S. Environmental Protection  
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Assistant Secretary  
Office of Energy Efficiency  
and Renewable Energy  
U.S. Department of Energy



Dr. Robert Johansson  
Chief Economist  
U.S. Department of Agriculture



December 23, 2015

The Honorable Thom Tillis  
United States Senate  
Washington, D.C. 20510

Dear Senator Tillis:

Thank you for your June 30, 2015, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy, U.S. Department of Agriculture Secretary Thomas J. Vilsack, and U.S. Department of Energy Secretary Ernest Moniz, regarding the role of forest bioenergy in meeting our Nation's energy and climate goals. They have asked us to respond on their behalf.

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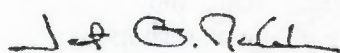
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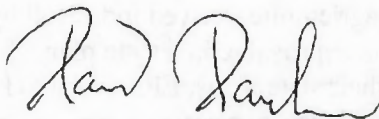
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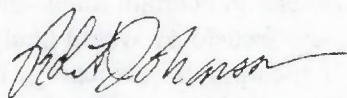
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Office of Energy Efficiency  
and Renewable Energy  
U.S. Department of Energy



Dr. Robert Johansson  
Chief Economist  
U.S. Department of Agriculture



December 23, 2015

The Honorable David Vitter  
United States Senate  
Washington, D.C. 20510

Dear Senator Vitter:

Thank you for your June 30, 2015, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy, U.S. Department of Agriculture Secretary Thomas J. Vilsack, and U.S. Department of Energy Secretary Ernest Moniz, regarding the role of forest bioenergy in meeting our Nation's energy and climate goals. They have asked us to respond on their behalf.

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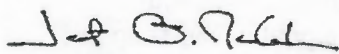
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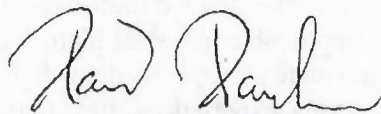
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Again, thank you for your letter. If you have further questions, please contact us, or your staff may contact Ms. Patricia Haman in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2806; Ms. Jaime Shimek, DOE's Deputy Assistant Secretary for Senate Affairs at (202) 586-5450; or Mr. Todd Batta, USDA's Assistant Secretary for Congressional Relations at (202) 720-7095.

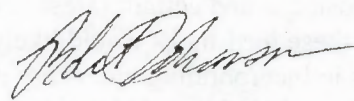
Sincerely,



Janet G. McCabe  
Acting Assistant Administrator  
Office of Air and Radiation  
U.S. Environmental Protection  
Agency



Dr. David T. Danielson  
Assistant Secretary  
Office of Energy Efficiency  
and Renewable Energy  
U.S. Department of Energy



Dr. Robert Johansson  
Chief Economist  
U.S. Department of Agriculture



December 23, 2015

The Honorable Jon Tester  
United States Senate  
Washington, D.C. 20510

Dear Senator Tester:

Thank you for your June 30, 2015, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy, U.S. Department of Agriculture Secretary Thomas J. Vilsack, and U.S. Department of Energy Secretary Ernest Moniz, regarding the role of forest bioenergy in meeting our Nation's energy and climate goals. They have asked us to respond on their behalf.

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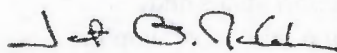
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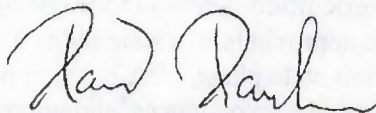
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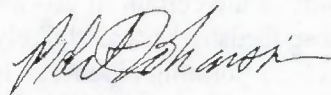
Sincerely,



Janet G. McCabe  
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Office of Air and Radiation  
U.S. Environmental Protection  
Agency



Dr. David T. Danielson  
Assistant Secretary  
Office of Energy Efficiency  
and Renewable Energy  
U.S. Department of Energy



Dr. Robert Johansson  
Chief Economist  
U.S. Department of Agriculture



December 23, 2015

The Honorable Mark R. Warner  
United States Senate  
Washington, D.C. 20510

Dear Senator Warner:

Thank you for your June 30, 2015, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy, U.S. Department of Agriculture Secretary Thomas J. Vilsack, and U.S. Department of Energy Secretary Ernest Moniz, regarding the role of forest bioenergy in meeting our Nation's energy and climate goals. They have asked us to respond on their behalf.

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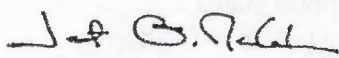
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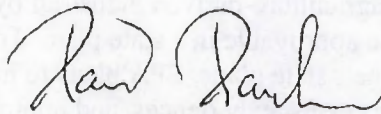
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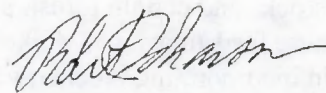
Sincerely,



Janet G. McCabe  
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Office of Air and Radiation  
U.S. Environmental Protection  
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Assistant Secretary  
Office of Energy Efficiency  
and Renewable Energy  
U.S. Department of Energy



Dr. Robert Johansson  
Chief Economist  
U.S. Department of Agriculture



December 23, 2015

The Honorable Tim Scott  
United States Senate  
Washington, D.C. 20510

Dear Senator Scott:

Thank you for your June 30, 2015, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy, U.S. Department of Agriculture Secretary Thomas J. Vilsack, and U.S. Department of Energy Secretary Ernest Moniz, regarding the role of forest bioenergy in meeting our Nation's energy and climate goals. They have asked us to respond on their behalf.

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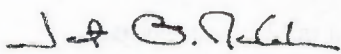
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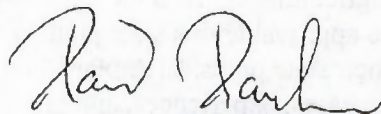
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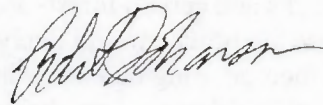
Sincerely,



Janet G. McCabe  
Acting Assistant Administrator  
Office of Air and Radiation  
U.S. Environmental Protection  
Agency



Dr. David T. Danielson  
Assistant Secretary  
Office of Energy Efficiency  
and Renewable Energy  
U.S. Department of Energy



Dr. Robert Johansson  
Chief Economist  
U.S. Department of Agriculture



December 23, 2015

The Honorable Richard C. Shelby  
United States Senate  
Washington, D.C. 20510

Dear Senator Shelby:

Thank you for your June 30, 2015, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy, U.S. Department of Agriculture Secretary Thomas J. Vilsack, and U.S. Department of Energy Secretary Ernest Moniz, regarding the role of forest bioenergy in meeting our Nation's energy and climate goals. They have asked us to respond on their behalf.

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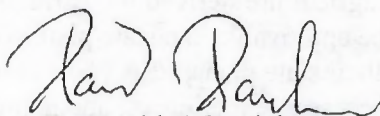
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Agency



Dr. David T. Danielson  
Assistant Secretary  
Office of Energy Efficiency  
and Renewable Energy  
U.S. Department of Energy



Dr. Robert Johansson  
Chief Economist  
U.S. Department of Agriculture



December 23, 2015

The Honorable Patrick J. Toomey  
United States Senate  
Washington, D.C. 20510

Dear Senator Toomey:

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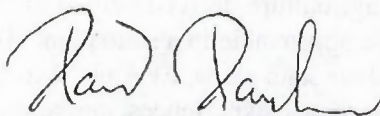
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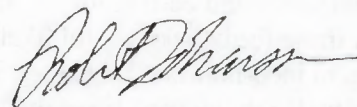
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U.S. Department of Energy



Dr. Robert Johansson  
Chief Economist  
U.S. Department of Agriculture



December 23, 2015

The Honorable Roger F. Wicker  
United States Senate  
Washington, D.C. 20510

Dear Senator Wicker:

Thank you for your June 30, 2015, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy, U.S. Department of Agriculture Secretary Thomas J. Vilsack, and U.S. Department of Energy Secretary Ernest Moniz, regarding the role of forest bioenergy in meeting our Nation's energy and climate goals. They have asked us to respond on their behalf.

The President's Climate Action Plan and All-of-the-Above Energy Strategy lay a foundation for a clean energy future and foster expansion of renewable energy, including biomass. At the same time, the President's Climate Action Plan highlights the critical role that America's forests play in addressing carbon pollution in the United States. Our agencies agree that production and use of biomass energy can be an integral part of regimes that promote conservation and responsible forest management. States also recognize the importance of forests, and many have been developing a variety of forest and land use management policies and programs that both address climate change and foster increased biomass utilization as part of their energy future.

Recent EPA regulatory action and scientific work on assessing biogenic carbon dioxide (CO<sub>2</sub>) emissions from stationary sources is part of this broad climate strategy. In August 2015, EPA released the final Clean Power Plan (CPP), which describes the ways in which the use of biomass may be a component of state plans. For example, in the CPP, EPA generally acknowledges the benefits of waste-derived biogenic feedstocks and certain forest- and agriculture-derived industrial byproduct feedstocks and expects that these feedstocks would likely be approvable in a state plan. To support states and stakeholders in incorporating bioenergy in their state plans, EPA plans to hold a public workshop in early 2016 for stakeholders to share their successes, experiences, and approaches to deploying biomass in ways that have been, and can be, carbon beneficial. In addition, EPA has also developed a revised *Framework for Assessing Biogenic Carbon Dioxide from Stationary Sources* that can assist states when considering the role of biomass in state plan submittals. The revised report takes into account the latest information from the scientific community and other stakeholders, including findings from EPA's Science Advisory Board (SAB) review of the first draft framework. EPA is continuing to refine its accounting work through a second round of targeted peer review with the SAB in 2015.<sup>1</sup>

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<sup>1</sup> The revised draft Framework and SAB peer review request memo can be found at: <http://epa.gov/climatechange/ghgemissions/biogenic-emissions.html>. Information regarding the SAB peer review process can be found at: [www.epa.gov/sab/](http://www.epa.gov/sab/).



USDA recognizes the important role forest management and biomass will play in both our energy and climate future. Increasing the demand for wood for energy results in more forest area, more forest investment, and potential greenhouse gas reductions. To increase forest stocks and improve forest health and management, we must develop incentives that keep working forestland forested and support forest restoration, reforestation, and afforestation. This is all the more critical, especially amid development pressures and increasing threats from insects, disease, and wildfire.

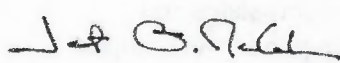
Under USDA's Wood to Energy Initiative, USDA has supported over 230 Wood Energy projects through nearly \$1 billion in grants, loans, and loan guarantees since 2009 through a host of programs, including the Renewable Energy for America Program and the Biomass Crop Assistance Program. USDA has established state-wide wood energy teams in 19 states that are helping deliver needed technical and financial assistance to expand those markets further.

DOE recognizes the importance of wood as a renewable energy source. DOE is leading efforts to develop and demonstrate technologies for producing cost-competitive advanced biofuels from non-food biomass resources, including forest and wood resources, algae, and waste streams. These efforts require rigorous scientific study and evaluation to understand the impacts of various biomass feedstocks, especially woody resources, to optimize the benefits of their use.

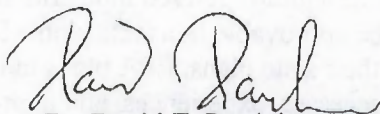
In the context of the President's Climate Action Plan and All-of-the-Above Energy Strategy, DOE, EPA, and USDA will work together to ensure that biomass energy plays a role in America's clean energy future. As stated in your letter, the American people deserve a Federal policy that recognizes the benefits of forest bioenergy. Together, our agencies are working carefully and consistently to quantify the benefits of using wood for energy.

Again, thank you for your letter. If you have further questions, please contact us, or your staff may contact Ms. Patricia Haman in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2806; Ms. Jaime Shimek, DOE's Deputy Assistant Secretary for Senate Affairs at (202) 586-5450; or Mr. Todd Batta, USDA's Assistant Secretary for Congressional Relations at (202) 720-7095.

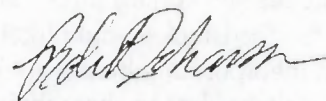
Sincerely,



Janet G. McCabe  
Acting Assistant Administrator  
Office of Air and Radiation  
U.S. Environmental Protection  
Agency



Dr. David T. Danielson  
Assistant Secretary  
Office of Energy Efficiency  
and Renewable Energy  
U.S. Department of Energy



Dr. Robert Johansson  
Chief Economist  
U.S. Department of Agriculture

# United States Senate

WASHINGTON, DC 20510

March 9, 2017

## VIA ELECTRONIC TRANSMISSION

The Honorable Scott Pruitt  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

Dear Administrator Pruitt:

Whistleblowers play a vital role in helping the government identify and resolve issues of waste, fraud, and abuse, and they are crucial for Congress in the exercise of its constitutionally mandated oversight responsibilities. Since the beginning days of our nation, our Founding Fathers recognized that whistleblowers are essential to ensuring that government is functioning properly and efficiently. As early as July 30, 1778, "in demonstration of their full support for whistleblowers," the Continental Congress unanimously approved legislation recognizing "the duty of all persons in the service of the United States" to inform "Congress or other proper authorit[ies]" of wrongdoing.<sup>1</sup> Today, we continue to recognize this important responsibility. President George H. W. Bush, in his October 17, 1990 Executive Order 12731, stated plainly that federal employees "*shall* disclose waste, fraud, abuse, and corruption to appropriate authorities."<sup>2</sup>

As members of the Senate Whistleblower Protection Caucus, we enthusiastically echo these historical precedents in our support for individuals who shine a light on waste, fraud, and abuse. We believe that it is in your agency's best interest, and the taxpayers' best interest, to do the same, and to openly recognize and wholeheartedly support the duty and value of whistleblowers. Whistleblowers are assets, and they can help us enhance government efficiency and transparency and save taxpayers billions of dollars.

To encourage these individuals to bring problems to the surface so that they may be addressed, Congress enacted and has since strengthened federal laws that protect

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<sup>1</sup> S. Res. 522, 114th Cong. (2016) (enacted) (citing legislation of July 30, 1778, reprinted in *Journals of the Continental Congress, 1774-1789*, ed. Worthington C. Ford, et al. (Washington, D.C., 1904-37), 11:732). The 2016 Whistleblower Appreciation Day resolution was sponsored by the Senate Whistleblower Protection Caucus.

<sup>2</sup> Exec. Order No. 12,731, 3 C.F.R. 306 (1990) (emphasis added).



them from reprisal for lawful, good faith disclosures of potential wrongdoing. It is a prohibited personnel practice to retaliate against an employee for “*any disclosure of information . . . which the employee or applicant reasonably believes evidences (i) any violation of any law, rule, or regulation, or (ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.*”<sup>3</sup> Protections from reprisal also extend to employees of contractors, subcontractors, grantees, and subgrantees.<sup>4</sup> These statutes protect whistleblowers who report wrongdoing internally to a supervisor—as a significant majority do—so that their management has an opportunity to address it. They also protect whistleblowers who choose to report outside of their chain of command due to real fears of reprisal by their management. In either case, these brave men and women perform an invaluable public service.

That service is equally valuable and necessary when whistleblowers disclose waste, fraud, and abuse to Congress. Congress relies on these individuals working within agencies to provide the information necessary “to give effect to the checks and balances that are essential to the separation of powers.”<sup>5</sup> Accordingly, title 5, Section 7211 provides that the right of federal employees to furnish information to committees of Congress may not be interfered with or denied.<sup>6</sup> Officials or employees who do interfere with that right are not entitled to compensation.<sup>7</sup>

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<sup>3</sup> 5 U.S.C. § 2302(b)(8)(A)(i)–(ii) (2012) (emphasis added); *id.* § 2302(b)(9) (protecting employees who, among other things, exercise any right granted by law, rule, or regulation or who cooperate with an Inspector General or the Office of Special Counsel); and *id.* § 2302(b)(13) (requiring any non-disclosure agreement to contain a clear exception for lawful whistleblowing); Consolidated Appropriations Act of 2016, Pub. L. No. 114-113, div. E, title VII, 129 Stat. 2485, § 744 (2015). Employees of the Intelligence Community also are protected under a separate regime pursuant to Presidential Policy Directive 19, the Intelligence Authorization Act of 2014, and the Intelligence Community Whistleblower Protection Act. Presidential Policy Directive 19, *Protecting Whistleblowers with Access to Classified Information* (Oct. 10, 2012); Intelligence Authorization Act for Fiscal Year 2014, Pub. L. No. 113-126, §§ 601–04, 128 Stat. 1390, 1414–22 (2014); Intelligence Authorization Act for Fiscal Year 1999, Pub. L. No. 105-272, §§ 701–02, 112 Stat. 2397, 2413–17 (1998). Employees of the Federal Bureau of Investigation are protected under 5 U.S.C. § 2303 which now also explicitly clarifies that the statute protects disclosures to supervisors, the Office of Special Counsel, and Congress. Federal Bureau of Investigation Whistleblower Protection Enhancement Act of 2016, Pub. L. No. 114-302, 130 Stat. 1516 (2016).

<sup>4</sup> 41 U.S.C. app. § 4712 (2016); 10 U.S.C. § 2409 (2012).

<sup>5</sup> Brief for Members of Congress as Amici Curiae Supporting Respondent, *Dep’t of Homeland Sec. v. MacLean*, No. 13-894, 2014 WL 4925075, at \*7 (U.S. Sept. 29, 2014).

<sup>6</sup> 5 U.S.C. § 7211 (2012) (“The right of employees, individually or collectively, to petition Congress or a Member of Congress, or to furnish information to either House of Congress, or to a committee or Member thereof, may not be interfered with or denied.”)

<sup>7</sup> Consolidated Appropriations Act of 2016, Pub. L. No. 114-113, div. E, title VII, 129 Stat. 2475, § 713, (2015); Letter from Susan A. Poling, Gen. Counsel, U.S. Gov’t Accountability Office to Charles E. Grassley, Chairman, S. Comm. on the Judiciary, Jason Chaffetz, Chairman, H. Comm. on Oversight and Gov’t Reform, and Bob Goodlatte, H. Comm. on the Judiciary re: GAO Op. B-325124 (Apr. 5, 2016) (available at <http://www.gao.gov/assets/680/676341.pdf>).

Despite these protections, whistleblowers still often face intimidation, retaliation, and prohibited personnel practices. Therefore it is essential that agency leadership, from the top down, promotes an open culture for employees to make disclosures and takes swift action against any employee who violates a whistleblower's rights.

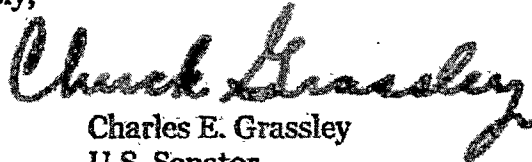
All Americans are better off when whistleblowers step forward and report misconduct without fear of retaliation. Consistent with your statutory responsibilities, we ask that you remind employees at your agency about their ability to make protected disclosures in accordance with whistleblower protection laws.<sup>8</sup> We also ask that you remind all incoming employees and managers that retaliation against whistleblowers will not be tolerated.

Over the past several years the members of the Senate Whistleblower Protection Caucus have endeavored to increase protections for whistleblowers and bring awareness to issues of retaliation. We will continue this work in the current Congress and will continue oversight of the executive branch's implementation and enforcement of whistleblower protections. We appreciate your assistance and look forward to working with you.

Sincerely,



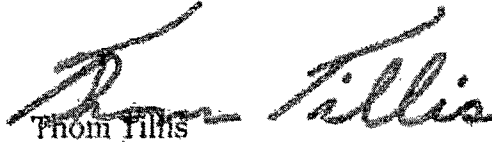
Claire McCaskill  
U.S. Senator



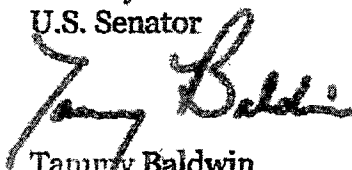
Charles E. Grassley  
U.S. Senator



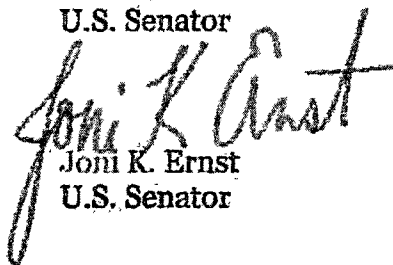
Ron Wyden  
U.S. Senator



Thom Tillis  
U.S. Senator



Tammy Baldwin  
U.S. Senator



Joni K. Ernst  
U.S. Senator

<sup>8</sup> 5 U.S.C. § 2302(c) (2012) ("The head of each agency shall be responsible for the prevention of prohibited personnel practices, for the compliance with and enforcement of applicable civil service laws, rules, and regulations, and other aspects of personnel management, and for ensuring (in consultation with the Office of Special Counsel) that agency employees are informed of the rights and remedies available to them under this chapter and chapter 12 of this title, including how to make a lawful disclosure of information that is specifically required by law or Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs to the Special Counsel, the Inspector General of an agency, Congress, or other agency employee designated to receive such disclosures.").





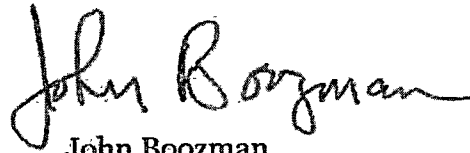
Tom Carper  
U.S. Senator



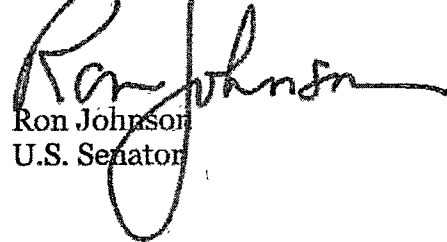
Edward J. Markey  
U.S. Senator



Gary Peters  
U.S. Senator



John Boozman  
U.S. Senator



Ron Johnson  
U.S. Senator

# United States Senate

WASHINGTON, DC 20510

May 25, 2017

The Honorable Scott Pruitt  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator Pruitt:

In light of the recent D.C. Circuit decision in *Waterkeeper v. EPA*, the EPA should take immediate action to prevent the waste of federal, state, and local resources designated for emergency response programs. Therefore, we urge you to challenge the D.C. Circuit decision and to provide America's farmers and ranchers with regulatory relief through agency directive and rulemaking.

As you know, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) was enacted in 1980 in response to serious environmental and health risks posed by industrial pollution. CERCLA has two primary objectives: to give the federal government the tools necessary for prompt response to problems resulting from hazardous waste disposal and to hold polluters financially responsible for cleanup. The Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) was enacted to ensure proper notice to relevant authorities in cases of accidental spills, chemical plant explosions, and release of hazardous chemicals from sinking ships or train derailments. Congress never imagined the normal odors and emissions (including low-level concentrations of ammonia and hydrogen sulfide) of livestock, poultry, and egg production would somehow be captured.

In 2008, EPA finalized a rule to clarify the exemption of farms from CERCLA and EPCRA reporting requirements. This rule provided that all Animal Feeding Operations (AFOs) and Concentrated Animal Feeding Operations (CAFOs) were exempt from CERCLA, and only large CAFOs were required to report under EPCRA. However, in its April ruling, the Court of Appeals for the D.C. Circuit found that exemption to be inconsistent with statutory requirements, thereby requiring submission of these senseless reports from agricultural operations. We implore you to continue fighting for American agriculture, by challenging the panel decision by the D.C. Circuit.

Left unchecked, when expanded reporting requirements go into effect on June 2, 2017, up to 100,000 farms and ranches across the country will face enormous uncertainty and potential liability if they do not submit an emissions report. These reports have the potential to significantly overburden the National Response Center (NRC), which received a mere 24,193 reports in 2016. And unlike the reports received last year, which averaged about 66 per day, the National Response Center would potentially receive tens of thousands of reports within a matter of a few days. Not only will these unnecessary agricultural reports shut down and congest a necessarily fast-moving response process, but they will actually prevent the NRC and local first

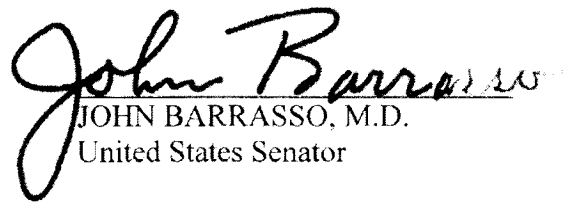


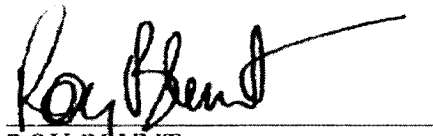
responders from efficiently addressing real emergencies. Required reporting from agricultural operations directly impedes the purpose of the statute.


In addition, we strongly support any action you take to protect both the integrity of the NRC and local emergency planning units, while also protecting the wellbeing of America's farmers and ranchers. This includes clarifying the applicability of the agricultural exemptions contained within both CERCLA and EPCRA, as well as tailoring reportable quantities to an appropriate level for livestock and poultry operations. If the EPA cannot address this problem in the courts or on its own, we encourage you to come to Congress to find a solution.

Sincerely,

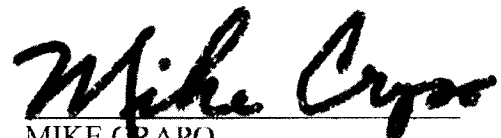
  
JOHN CORNYN  
United States Senator


  
JOHN BARRASSO, M.D.  
United States Senator

  
ROY BLUNT  
United States Senator

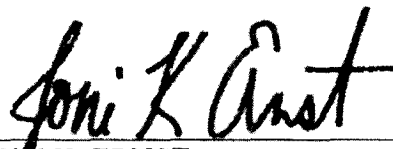
  
JOHN BOOZMAN  
United States Senator

  
TOM COTTON  
United States Senator


  
MIKE CRAPO  
United States Senator


  
TED CRUZ  
United States Senator

  
MIKE ENZI  
United States Senator


  
JONI K. ERNST  
United States Senator

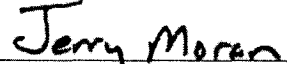
  
DEB FISCHER  
United States Senator


  
CORY GARDNER  
United States Senator

  
CHARLES E. GRASSLEY  
United States Senator


  
ORRIN G. HATCH  
United States Senator

  
JOHNNY ISAKSON  
United States Senator


  
JERRY MORAN  
United States Senator

  
RAND PAUL  
United States Senator

  
ROB PORTMAN  
United States Senator

  
PAT ROBERTS  
United States Senator

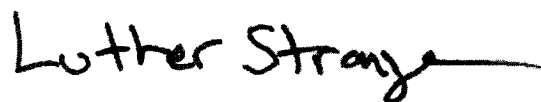
  
M. MICHAEL ROUNDS  
United States Senator

  
BEN SASSE  
United States Senator

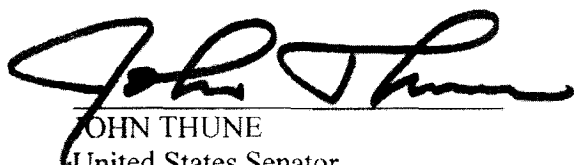




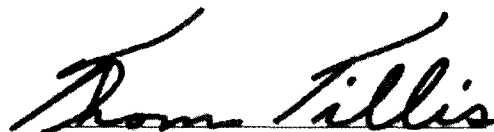
RICHARD SHELBY  
United States Senator



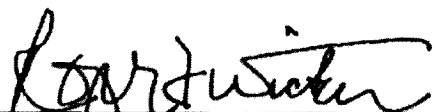
LUTHER STRANGE  
United States Senator



JOHN THUNE  
United States Senator



THOM TILLIS  
United States Senator



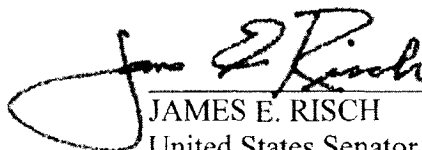
ROGER F. WICKER  
United States Senator



TODD YOUNG  
United States Senator



MIKE LEE  
United States Senator



JAMES E. RISCH  
United States Senator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 15 2017

OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE  
NOW THE  
OFFICE OF LAND AND  
EMERGENCY MANAGEMENT

The Honorable John Cornyn  
United States Senate  
Washington, D.C. 20510

Dear Senator Cornyn:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

The EPA appreciates your concern regarding the burden these reporting requirements may pose and the uncertainty for farms and ranches as a result of the Court's decision vacating the final rule. The EPA is evaluating alternative approaches that could address these issues while protecting the integrity and capabilities of the response communities.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Pamela Janifer in the EPA's Office of Congressional and Intergovernmental Relations at Janifer.pamela@epa.gov or (202) 564-6969.

Sincerely,

A handwritten signature in black ink, appearing to read "B. N. Breen", is written over a horizontal line.

Barry N. Breen  
Acting Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 15 2017

OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE  
NOW THE  
OFFICE OF LAND AND  
EMERGENCY MANAGEMENT

The Honorable Tom Cotton  
United States Senate  
Washington, D.C. 20510

Dear Senator Cotton:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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Sincerely,

A handwritten signature in black ink, appearing to read "Barry N. Breen", with a long horizontal line extending to the right.

Barry N. Breen  
Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 15 2017

OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE  
  
NOW THE  
OFFICE OF LAND AND  
EMERGENCY MANAGEMENT

The Honorable Roy Blunt  
United States Senate  
Washington, D.C. 20510

Dear Senator Blunt:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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Sincerely,

A handwritten signature in black ink, appearing to read "Barry N. Breen", is written over the word "Sincerely,".

Barry N. Breen  
Acting Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 15 2017

OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE  
NOW THE  
OFFICE OF LAND AND  
EMERGENCY MANAGEMENT

The Honorable John Barrasso  
United States Senate  
Washington, D.C. 20510

Dear Senator Barrasso:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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Sincerely,

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Barry N. Breen  
Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 15 2017

OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE  
NOW THE  
OFFICE OF LAND AND  
EMERGENCY MANAGEMENT

The Honorable Ted Cruz  
United States Senate  
Washington, D.C. 20510

Dear Senator Cruz:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

The EPA appreciates your concern regarding the burden these reporting requirements may pose and the uncertainty for farms and ranches as a result of the Court's decision vacating the final rule. The EPA is evaluating alternative approaches that could address these issues while protecting the integrity and capabilities of the response communities.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Pamela Janifer in the EPA's Office of Congressional and Intergovernmental Relations at [Janifer.pamela@epa.gov](mailto:Janifer.pamela@epa.gov) or (202) 564-6969.

Sincerely,

A handwritten signature in black ink, appearing to read "B. N. Breen", followed by a long horizontal line.

Barry N. Breen  
Acting Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 15 2017

OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE  
NOW THE  
OFFICE OF LAND AND  
EMERGENCY MANAGEMENT

The Honorable Michael D. Crapo  
United States Senate  
Washington, D.C. 20510

Dear Senator Crapo:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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Barry N. Breen  
Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 15 2017

OFFICE OF  
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NOW THE  
OFFICE OF LAND AND  
EMERGENCY MANAGEMENT

The Honorable John Boozman  
United States Senate  
Washington, D.C. 20510

Dear Senator Boozman:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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Barry N. Breen  
Acting Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 15 2017

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NOW THE  
OFFICE OF LAND AND  
EMERGENCY MANAGEMENT

The Honorable Joni Ernst  
United States Senate  
Washington, D.C. 20510

Dear Senator Ernst:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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Barry N. Breen  
Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 15 2017

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NOW THE  
OFFICE OF LAND AND  
EMERGENCY MANAGEMENT

The Honorable Mike Enzi  
United States Senate  
Washington, D.C. 20510

Dear Senator Enzi:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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Barry N. Breen  
Acting Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 15 2017

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NOW THE  
OFFICE OF LAND AND  
EMERGENCY MANAGEMENT

The Honorable Jerry Moran  
United States Senate  
Washington, D.C. 20510

Dear Senator Moran:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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Barry N. Breen  
Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 15 2017

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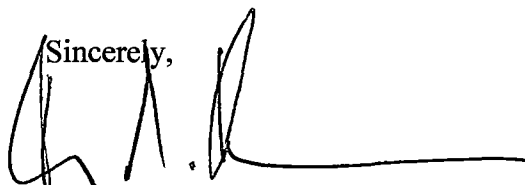
The Honorable Cory Gardner  
United States Senate  
Washington, D.C. 20510

Dear Senator Gardner:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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Sincerely,  
  
Barry N. Breen  
Acting Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 15 2017

OFFICE OF  
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NOW THE  
OFFICE OF LAND AND  
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The Honorable Michael Rounds  
United States Senate  
Washington, D.C. 20510

Dear Senator Rounds:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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Barry N. Breen  
Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 15 2017

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NOW THE  
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The Honorable Deb Fischer  
United States Senate  
Washington, D.C. 20510

Dear Senator Fischer:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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Barry N. Breen  
Acting Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 15 2017

OFFICE OF  
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NOW THE  
OFFICE OF LAND AND  
EMERGENCY MANAGEMENT

The Honorable Charles E. Grassley  
United States Senate  
Washington, D.C. 20510

Dear Senator Grassley:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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Barry N. Breen  
Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 15 2017

OFFICE OF  
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NOW THE  
OFFICE OF LAND AND  
EMERGENCY MANAGEMENT

The Honorable Johnny Isakson  
United States Senate  
Washington, D.C. 20510

Dear Senator Isakson:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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Barry N. Breen  
Acting Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 15 2017

OFFICE OF  
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NOW THE  
OFFICE OF LAND AND  
EMERGENCY MANAGEMENT

The Honorable Rand Paul  
United States Senate  
Washington, D.C. 20510

Dear Senator Paul:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 15 2017

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NOW THE  
OFFICE OF LAND AND  
EMERGENCY MANAGEMENT

The Honorable Pat Roberts  
United States Senate  
Washington, D.C. 20510

Dear Senator Roberts:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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Acting Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 15 2017

OFFICE OF  
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NOW THE  
OFFICE OF LAND AND  
EMERGENCY MANAGEMENT

The Honorable Ben Sasse  
United States Senate  
Washington, D.C. 20510

Dear Senator Sasse:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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Barry N. Breen  
Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 15 2017

OFFICE OF  
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NOW THE  
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EMERGENCY MANAGEMENT

The Honorable Richard C. Shelby  
United States Senate  
Washington, D.C. 20510

Dear Senator Shelby:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 15 2017

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NOW THE  
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EMERGENCY MANAGEMENT

The Honorable John Thune  
United States Senate  
Washington, D.C. 20510

Dear Senator Thune:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

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NOW THE  
OFFICE OF LAND AND  
EMERGENCY MANAGEMENT

The Honorable Roger Wicker  
United States Senate  
Washington, D.C. 20510

Dear Senator Wicker:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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WASHINGTON, D.C. 20460

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The Honorable Mike Lee  
United States Senate  
Washington, D.C. 20510

Dear Senator Lee:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Pamela Janifer in the EPA's Office of Congressional and Intergovernmental Relations at [Janifer.pamela@epa.gov](mailto:Janifer.pamela@epa.gov) or (202) 564-6969.

Sincerely,

A handwritten signature in black ink, appearing to read "Barry N. Breen", is written over a horizontal line.

Barry N. Breen  
Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 15 2017

OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE  
NOW THE  
OFFICE OF LAND AND  
EMERGENCY MANAGEMENT

The Honorable Luther Strange  
United States Senate  
Washington, D.C. 20510

Dear Senator Strange:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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Sincerely,

A handwritten signature in black ink, appearing to read "Barry N. Breen", with a long horizontal line extending to the right.

Barry N. Breen  
Acting Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 15 2017

OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE  
NOW THE  
OFFICE OF LAND AND  
EMERGENCY MANAGEMENT

The Honorable Thom Tillis  
United States Senate  
Washington, D.C. 20510

Dear Senator Tillis:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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Sincerely,

A handwritten signature in black ink, appearing to read "B. N. Breen", is written over a horizontal line.

Barry N. Breen  
Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 15 2017

OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE  
NOW THE  
OFFICE OF LAND AND  
EMERGENCY MANAGEMENT

The Honorable Todd Young  
United States Senate  
Washington, D.C. 20510

Dear Senator Young:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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Sincerely,

A handwritten signature in black ink, appearing to read "Barry N. Breen", is written over a horizontal line.

Barry N. Breen  
Acting Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 15 2017

OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE  
NOW THE  
OFFICE OF LAND AND  
EMERGENCY MANAGEMENT

The Honorable James E. Risch  
United States Senate  
Washington, D.C. 20510

Dear Senator Risch:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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Sincerely,

A handwritten signature in black ink, appearing to read "Barry N. Breen", is written over a horizontal line. The signature is stylized and cursive.

Barry N. Breen  
Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 15 2017

OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE  
NOW THE  
OFFICE OF LAND AND  
EMERGENCY MANAGEMENT

The Honorable Rob Portman  
United States Senate  
Washington, D.C. 20510

Dear Senator Portman:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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Sincerely,

A handwritten signature in black ink, appearing to read "B. N. Breen", is written over the word "Sincerely,".

Barry N. Breen  
Acting Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 15 2017

OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE  
NOW THE  
OFFICE OF LAND AND  
EMERGENCY MANAGEMENT

The Honorable Orrin G. Hatch  
United States Senate  
Washington, D.C. 20510

Dear Senator Hatch:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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Sincerely,

A handwritten signature in black ink, appearing to read "Barry N. Breen", is written over a horizontal line.

Barry N. Breen  
Acting Assistant Administrator

# United States Senate

WASHINGTON, DC 20510

May 25, 2017

The Honorable Donald J. Trump  
President of the United States  
The White House  
1600 Pennsylvania Avenue  
Washington, DC 20500

Dear President Trump:

We have been encouraged by the steps you have taken to reduce the regulatory burdens facing this country. From your many Executive Orders to the signing of 14 laws rolling back regulations from the previous Administration, it is clear you share our commitment to reducing the regulatory burden our businesses face in order to create jobs and grow the economy.

One of the most important executive orders you signed is EO 13783, *Promoting Energy Independence and Economic Growth*, wherein, among other things, you instruct the Environmental Protection Agency (EPA) to unwind President Obama's Clean Power Plan regulations.

We applaud this objective and encourage you to take every action necessary to ensure it is accomplished.

A key risk to fulfilling this objective is remaining in the Paris Agreement. Because of existing provisions within the Clean Air Act and others embedded in the Paris Agreement, remaining in it would subject the United States to significant litigation risk that could upend your Administration's ability to fulfill its goal of rescinding the Clean Power Plan. Accordingly, we strongly encourage you to make a clean break from the Paris Agreement.

Section 115 of the Clean Air Act addresses the regulatory steps the United States must take to address International Air Pollution. EPA and state government regulatory action of a pollutant are mandated after two tests are met: (1) a finding is established that a pollutant from the U.S. is endangering the public health or welfare of another country; and (2) it is determined that the endangered country gives the U.S. the same rights to prevent or control pollution from that country.

Under the previous Administration, EPA issued an endangerment finding for greenhouse gases and then pursued the Clean Power Plan. Many environmentalists already believe that this finding is broad enough to meet the endangerment test under Section 115, and they would certainly make this argument in court as they fight your efforts to rescind the Clean Power Plan rulemaking.

Environmentalists will argue that these Section 115 requirements are, in fact, met more easily by the Paris Agreement because it includes enhanced transparency requirements in Article 13, which establishes a process for nations to submit plans to reduce emissions to one another and then to comment on the plans of one another.

Leading environmental attorneys have been candid that they intend to use the Paris Agreement and the existing endangerment finding to force EPA to regulate under Section 115 of the Clean Air Act.

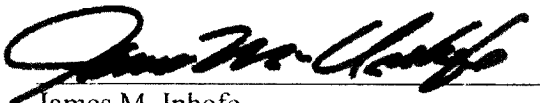
David Bookbinder, formerly Chief Counsel of the Sierra Club, stated that together the Paris Agreement and Section 115 are the "silver bullet de jour of the enviros." And their intent to use it is real. New York and Vermont Attorneys General recently wrote to their colleagues that "states must still play a critical role in ensuring that the promises made in Paris become a reality." With statements like this, it is clear that those advocating for greenhouse gas regulations will use the Paris Agreement as a legal defense against your actions to rescind the Clean Power Plan if you decide to remain in the Paris Agreement. This is why it is so important for you to make a clean exit from the Agreement.



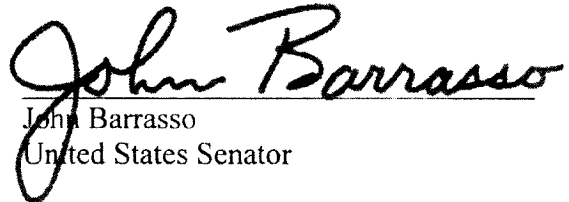
We understand that some officials inside your Administration want to remain in the Paris Agreement to keep a seat at the table so that the U.S. continues to have a voice in future discussions. Fortunately, a clean exit from the Paris Agreement will not take this away. The Senate gave its consent to the United Nations Framework Convention on Climate Change (UNFCCC) in 1992; this treaty provides a permanent seat at the table for the United States to engage with other countries each year at the Conferences of Parties (COP). In fact, it was through an annual COP meeting in Paris that the Paris Agreement was signed. This permanent seat at the table enabled President Obama to negotiate this deal; this seat remains and will enable you to continue discussions with other nations on this topic should you choose to do so.

Again, we applaud you for your ongoing efforts to reduce overregulation in America. To continue on this path, we urge you to make a clean exit from the Paris Agreement so that your Administration can follow through on its commitment to rescind the Clean Power Plan.

Sincerely,



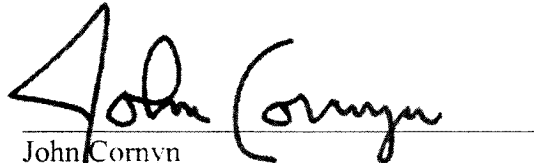
James M. Inhofe  
United States Senator



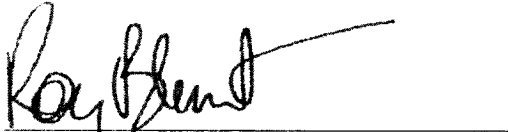
John Barrasso  
United States Senator



Mitch McConnell  
United States Senator



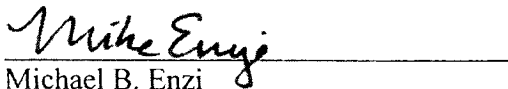
John Cornyn  
United States Senator



Roy Blunt  
United States Senator



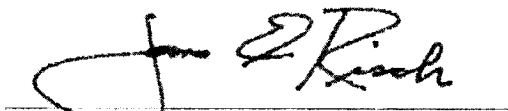
Roger Wicker  
United States Senator



Michael B. Enzi  
United States Senator



Michael D. Crapo  
United States Senator

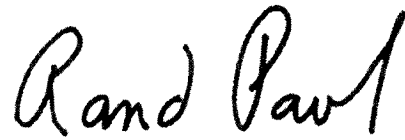



Jim Risch  
United States Senator

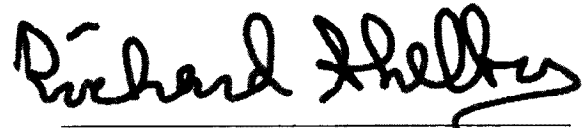


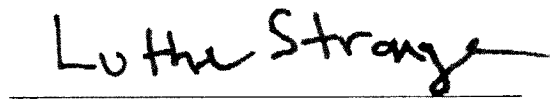
Thad Cochran  
United States Senator

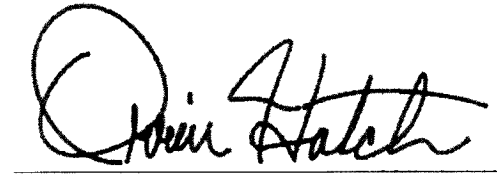
  
M. Michael Rounds  
United States Senator


  
Rand Paul  
United States Senator

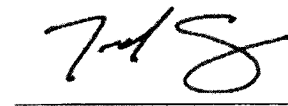
  
John Boozman  
United States Senator

  
Richard C. Shelby  
United States Senator

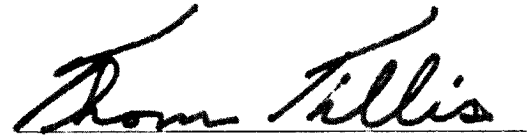
  
Luther Strange  
United States Senator

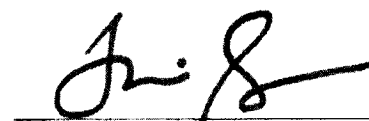
  
Orrin G. Hatch  
United States Senator


  
Mike Lee  
United States Senator

  
Ted Cruz  
United States Senator

  
David Perdue  
United States Senator

  
Thom Tillis  
United States Senator

  
Tim Scott  
United States Senator

  
Pat Roberts  
United States Senator



# United States Senate

WASHINGTON, DC 20510

March 16, 2018

The Honorable Scott Pruitt  
Environmental Protection Agency  
Office of the Administrator 1101A  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

Dear Administrator Pruitt:

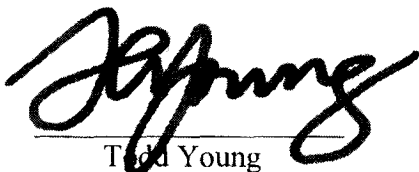
We write regarding the agency's ongoing efforts to streamline environmental regulations and ease the regulatory burden in the United States. While we welcome these necessary efforts, we maintain concerns with the Environmental Protection Agency's proposed rule for repeal of emission requirements for glider vehicles, glider engines, and glider kits. We believe that repealing those requirements will undermine the significant investments by American manufacturers, trucking fleets, and job creators.

We agree that regulations issued under the Clean Air Act (CAA) must not exceed the authority of Congress. However, we believe that repeal of these glider requirements will undermine the significant investments made by domestic manufacturers and the logistics industry. This view is shared by numerous stakeholders, including the manufacturers of the overwhelming majority of medium and heavy-duty vehicles, engines and emission control technologies sold throughout the United States. Changing decades of consistent regulation erodes the bipartisan progress made under previous administrations and removes the regulatory certainty provided to the industry which has produced the next generation of cleaner, more efficient vehicles.

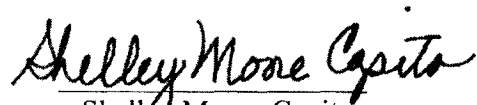
Our states are home to a strong industrial base that rely upon this regulatory certainty to successfully operate and invest billions each year in research and development. We urge you to consider the adverse impact on the economy if the authority to implement reasonable regulation of gliders is repealed and the regulatory certainty maintained through prior administrations is removed.

Thank you for your attention to this important matter and your continued dedication to protect American jobs and streamline burdensome environmental regulation.

Sincerely,



Todd Young  
United States Senator



Shelley Moore Capito  
United States Senator



Thom Tillis  
United States Senator



Richard Burr  
United States Senator

United States Senate  
WASHINGTON, DC 20510

June 8, 2018

The Honorable Scott Pruitt  
Administrator  
U.S. Environmental Protection Agency  
William Jefferson Clinton Building  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator Pruitt:


In 2015, the Environmental Protection Agency (EPA) established updated regulations for the operation and maintenance of underground storage tanks (USTs). The compliance deadline for these regulations is October 13, 2018. Unfortunately, portions of the 2015 regulations, specifically 40 CFR 280.35, impose an overwhelming financial burden on small business petroleum marketers nationwide. These costly regulations require significant capital investments and additional operating expenses on small business retailers over a short period of time. In order to reduce the financial burden on small business retailers and their customers, we request that the EPA extend the compliance deadline to October 13, 2024.

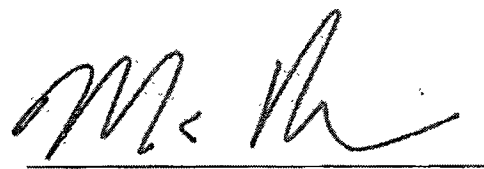
We believe that extending the integrity testing deadline for spill buckets, tank sumps and under dispenser containment equipment, along with operability testing for overfill prevention equipment is warranted. This equipment was not designed to undergo the type of testing the EPA requires without costly modification or replacement. Moreover, much of the equipment already in the ground has not reached the end of its useful operational life. Requiring the replacement or modification of existing equipment would significantly and unnecessarily drive up consumer and business costs by forcing marketers to modify or replace completely functional equipment. A deadline extension would not only provide small business retailers the opportunity to spread compliance costs out over a longer period of time, but also prevent significant cost increases from being passed along to consumers.

The EPA's 1988 UST system upgrade regulations provided a full ten years for the regulated community to comply. By comparison, the 2015 upgrade requirements provide only three years for small business petroleum marketers to comply. By delaying the testing and inspection requirements until October 13, 2024, we can provide these small businesses with the proper time they need to meet the new EPA requirements without increasing environmental risk.

Thank you for your consideration of this request.

Sincerely,

  
Jerry Moran  
United States Senator

  
Marco Rubio  
United States Senator

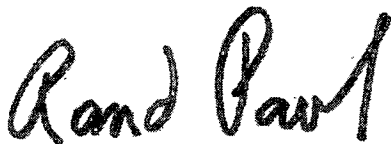




Lindsey O. Graham  
United States Senator




Tim Scott  
United States Senator



Rand Paul, M.D.  
United States Senator



Mike Enzi  
United States Senator



Heidi Heitkamp  
United States Senator



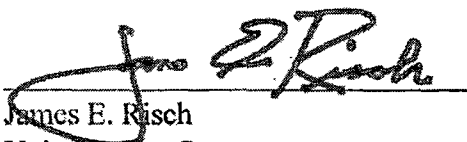
Mike Crapo  
United States Senator



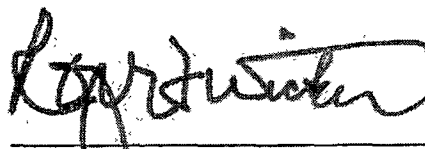
Shelley Moore Capito  
United States Senator



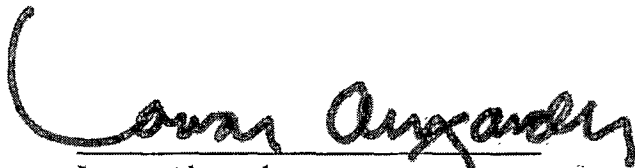
Thom Tillis  
United States Senator



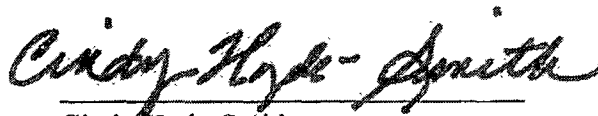
James E. Risch  
United States Senator



Roger E. Wicker  
United States Senator



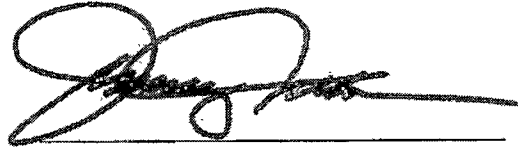
Lamar Alexander  
United States Senator



Cindy Hyde-Smith  
United States Senator



Tom Cotton  
United States Senator



Johnny Isakson  
United States Senator



Pat Roberts  
United States Senator



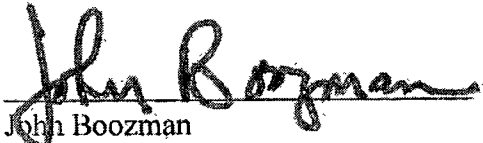
David Perdue  
United States Senator



James M. Inhofe  
United States Senator



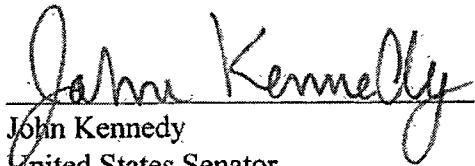
Joe Manchin III  
United States Senator



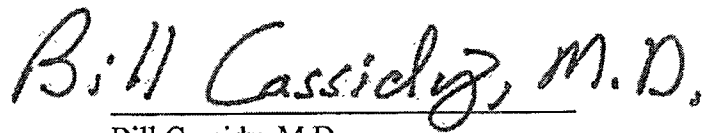
John Boozman  
United States Senator



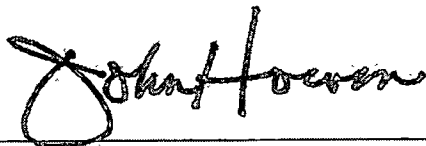
Steve Daines  
United States Senator



John Kennedy  
United States Senator



Bill Cassidy, M.D.  
United States Senator



John Hoeven  
United States Senator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUL 24 2018

OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE  
  
NOW THE  
OFFICE OF LAND AND  
EMERGENCY MANAGEMENT

The Honorable Roger F. Wicker  
United States Senate  
Washington, D.C. 20510

Dear Senator Wicker:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

Since a compliance deadline extension to 2024 could unintentionally do more harm than good, we are not extending the deadline. The new requirements in the 2015 UST regulation were designed to focus on the parts of tank systems most likely to leak or to fail to detect a leak if there were a problem. A several-year delay in conducting the new requirements could result in releases not being identified and addressed for many years, which ultimately could result in unnecessary environmental damage and more expensive cleanup costs. Since the regulation was finalized in 2015, many stakeholders, including tank owners and operators, service providers, testing companies and other contractors have planned their work based on the October 2018 deadline, and an extension now could be disruptive to those stakeholders' businesses.

Moreover, the agency undertook an extensive and lengthy process in developing the 2015 UST regulation. We reached out substantially to affected stakeholders starting in 2008 before proposing the rule in November 2011. After the proposal, there was a five-month comment period during which we received approximately 200 comments. The final rule, published in 2015, simplified the implementation schedule, reduced the burden of walkthrough inspections, removed requirements for periodic testing of tank secondary containment and changed requirements on some previously deferred tanks, among other revisions. In May 2017, the EPA added an alternative sump testing method that some stakeholders could choose if it would be easier for them to use and less costly.

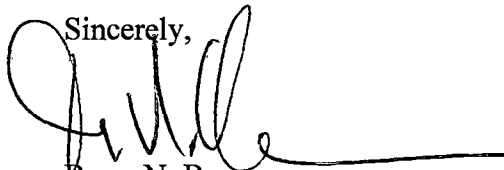
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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Raquel Snyder in the EPA's Office of Congressional and Intergovernmental Relations at [snyder.raquel@epa.gov](mailto:snyder.raquel@epa.gov) or at (202) 564-9586.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. N. Breen', with a long horizontal flourish extending to the right.

Barry N. Breen

Acting Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUL 24 2018

OFFICE OF  
SOLID WASTE AND  
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NOW THE  
OFFICE OF LAND AND  
EMERGENCY MANAGEMENT

The Honorable Thom Tillis  
United States Senate  
Washington, D.C. 20510

Dear Senator Tillis:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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Moreover, the agency undertook an extensive and lengthy process in developing the 2015 UST regulation. We reached out substantially to affected stakeholders starting in 2008 before proposing the rule in November 2011. After the proposal, there was a five-month comment period during which we received approximately 200 comments. The final rule, published in 2015, simplified the implementation schedule, reduced the burden of walkthrough inspections, removed requirements for periodic testing of tank secondary containment and changed requirements on some previously deferred tanks, among other revisions. In May 2017, the EPA added an alternative sump testing method that some stakeholders could choose if it would be easier for them to use and less costly.

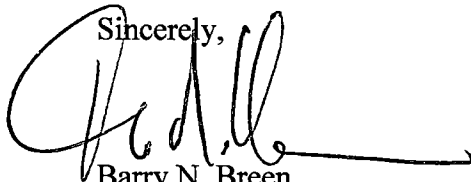
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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Raquel Snyder in the EPA's Office of Congressional and Intergovernmental Relations at [snyder.raquel@epa.gov](mailto:snyder.raquel@epa.gov) or at (202) 564-9586.

Sincerely,

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Barry N. Breen

Acting Assistant Administrator





**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
WASHINGTON, D.C. 20460

**JUL 24 2018**

OFFICE OF  
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NOW THE  
OFFICE OF LAND AND  
EMERGENCY MANAGEMENT

The Honorable Tim Scott  
United States Senate  
Washington, D.C. 20510

Dear Senator Scott:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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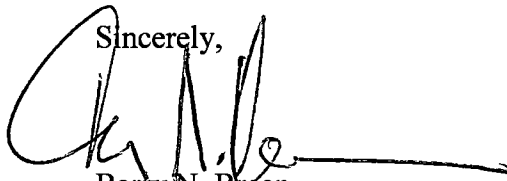
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Barry N. Breen  
Acting Assistant Administrator



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
WASHINGTON, D.C. 20460

**JUL 24 2018**

OFFICE OF  
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NOW THE  
OFFICE OF LAND AND  
EMERGENCY MANAGEMENT

The Honorable Marco Rubio  
United States Senate  
Washington, D.C. 20510

Dear Senator Rubio:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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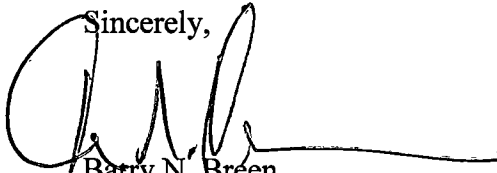


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Sincerely,



Barry N. Breen  
Acting Assistant Administrator



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
WASHINGTON, D.C. 20460

**JUL 24 2018**

OFFICE OF  
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NOW THE  
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EMERGENCY MANAGEMENT

The Honorable Pat Roberts  
United States Senate  
Washington, D.C. 20510

Dear Senator Roberts:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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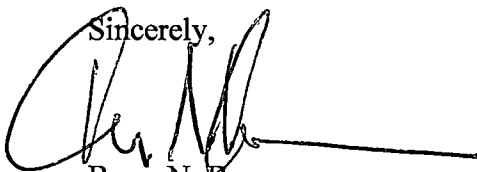
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Barry N. Breen  
Acting Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUL 24 2018

OFFICE OF  
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The Honorable James E. Risch  
United States Senate  
Washington, D.C. 20510

Dear Senator Risch:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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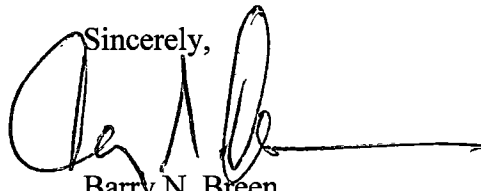
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Barry N. Breen  
Acting Assistant Administrator



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
WASHINGTON, D.C. 20460

**JUL 24 2018**

OFFICE OF  
SOLID WASTE AND  
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EMERGENCY MANAGEMENT

The Honorable David A. Purdue  
United States Senate  
Washington, D.C. 20510

Dear Senator Purdue:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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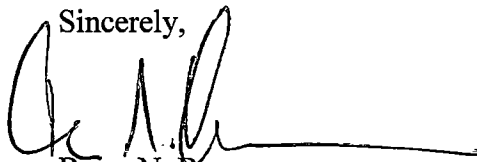


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Barry N. Breen  
Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUL 24 2018

OFFICE OF  
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EMERGENCY MANAGEMENT

The Honorable Rand Paul, M.D.  
United States Senate  
Washington, D.C. 20510

Dear Senator Paul:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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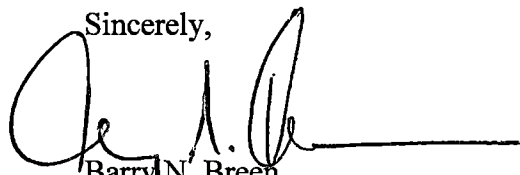
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Barry N. Breen  
Acting Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUL 24 2018

OFFICE OF  
SOLID WASTE AND  
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The Honorable Joe Manchin, III  
United States Senate  
Washington, D.C. 20510

Dear Senator Manchin:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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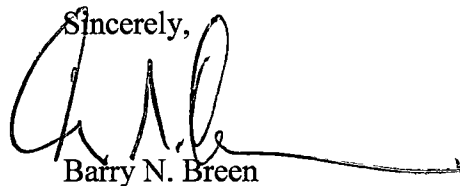
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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Raquel Snyder in the EPA's Office of Congressional and Intergovernmental Relations at [snyder.raquel@epa.gov](mailto:snyder.raquel@epa.gov) or at (202) 564-9586.

Sincerely,  
  
Barry N. Breen  
Acting Assistant Administrator



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
WASHINGTON, D.C. 20460

**JUL 24 2018**

OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE  
  
NOW THE  
OFFICE OF LAND AND  
EMERGENCY MANAGEMENT

The Honorable John Kennedy  
United States Senate  
Washington, D.C. 20510

Dear Senator Kennedy:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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Moreover, the agency undertook an extensive and lengthy process in developing the 2015 UST regulation. We reached out substantially to affected stakeholders starting in 2008 before proposing the rule in November 2011. After the proposal, there was a five-month comment period during which we received approximately 200 comments. The final rule, published in 2015, simplified the implementation schedule, reduced the burden of walkthrough inspections, removed requirements for periodic testing of tank secondary containment and changed requirements on some previously deferred tanks, among other revisions. In May 2017, the EPA added an alternative sump testing method that some stakeholders could choose if it would be easier for them to use and less costly.

Additionally, because USTs are often directly regulated by states, the deadline of October 13, 2018 applies directly in only the 16 states and territories that have not received State Program Approval (SPA). In the other 40 states and territories with SPA, the state regulations apply in lieu of the federal regulation, and states can implement their regulations up to three years beyond the federal compliance

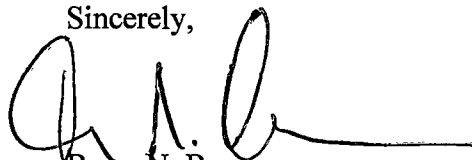


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Barry N. Breen  
Acting Assistant Administrator



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
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**JUL 24 2018**

OFFICE OF  
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The Honorable Johnny Isakson  
United States Senate  
Washington, D.C. 20510

Dear Senator Isakson:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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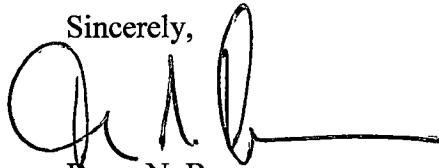
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Sincerely,

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Barry N. Breen  
Acting Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
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JUL 24 2018

OFFICE OF  
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The Honorable James M. Inhofe  
United States Senate  
Washington, D.C. 20510

Dear Senator Inhofe:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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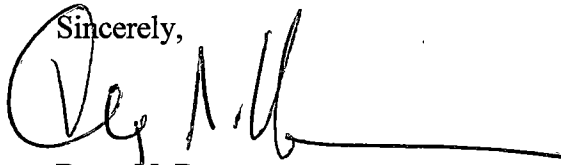
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Sincerely,

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Barry N. Breen  
Acting Assistant Administrator



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WASHINGTON, D.C. 20460

JUL 24 2018

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The Honorable Cindy Hyde-Smith  
United States Senate  
Washington, D.C. 20510

Dear Senator Hyde-Smith:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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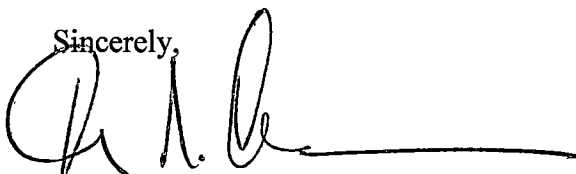


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Barry N. Breen  
Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUL 24 2018

OFFICE OF  
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EMERGENCY MANAGEMENT

The Honorable John Hoeven  
United States Senate  
Washington, D.C. 20510

Dear Senator Hoeven:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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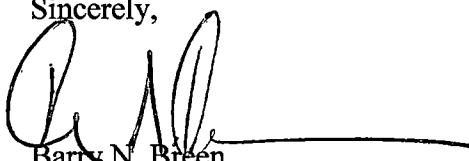
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Barry N. Breen  
Acting Assistant Administrator





**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
WASHINGTON, D.C. 20460

**JUL 24 2018**

OFFICE OF  
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NOW THE  
OFFICE OF LAND AND  
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The Honorable Heidi Heitkamp  
United States Senate  
Washington, D.C. 20510

Dear Senator Heitkamp:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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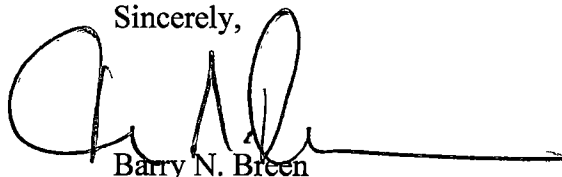
Barry N. Breen  
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Barry N. Breen  
Acting Assistant Administrator





**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
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**JUL 24 2018**

OFFICE OF  
SOLID WASTE AND  
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The Honorable Lindsey O. Graham  
United States Senate  
Washington, D.C. 20510

Dear Senator Graham:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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**JUL 24 2018**

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The Honorable Mike Enzi  
United States Senate  
Washington, D.C. 20510

Dear Senator Enzi:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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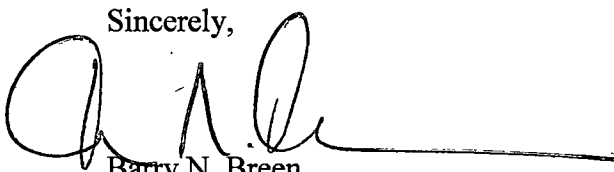
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Sincerely,

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Barry N. Breen  
Acting Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUL 24 2018

OFFICE OF  
SOLID WASTE AND  
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The Honorable Steve Daines  
United States Senate  
Washington, D.C. 20510

Dear Senator Daines:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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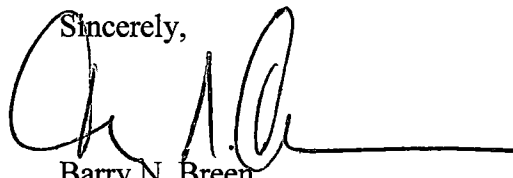
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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Raquel Snyder in the EPA's Office of Congressional and Intergovernmental Relations at [snyder.raquel@epa.gov](mailto:snyder.raquel@epa.gov) or at (202) 564-9586.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. N. Breen', followed by a long horizontal line extending to the right.

Barry N. Breen  
Acting Assistant Administrator



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
WASHINGTON, D.C. 20460

**JUL 24 2018**

OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE  
  
NOW THE  
OFFICE OF LAND AND  
EMERGENCY MANAGEMENT

The Honorable Mike Crapo  
United States Senate  
Washington, D.C. 20510

Dear Senator Crapo:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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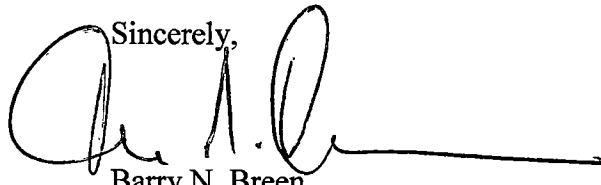


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Barry N. Breen  
Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUL 24 2018

OFFICE OF  
SOLID WASTE AND  
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NOW THE  
OFFICE OF LAND AND  
EMERGENCY MANAGEMENT

The Honorable Tom Cotton  
United States Senate  
Washington, D.C. 20510

Dear Senator Cotton:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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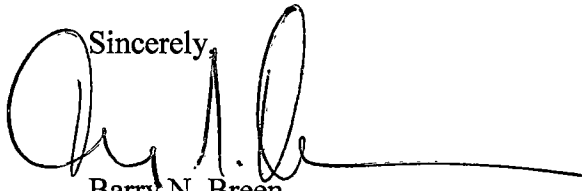
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Sincerely,  
  
Barry N. Breen  
Acting Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUL 24 2018

OFFICE OF  
SOLID WASTE AND  
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NOW THE  
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The Honorable Bill Cassidy, M.D.  
United States Senate  
Washington, D.C. 20510

Dear Senator Cassidy:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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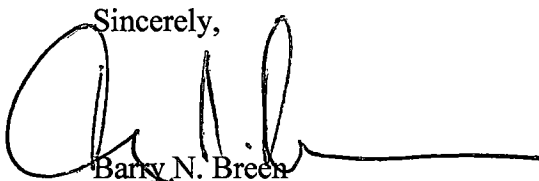
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Sincerely,



Barry N. Breen  
Acting Assistant Administrator



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
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**JUL 24 2018**

OFFICE OF  
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NOW THE  
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EMERGENCY MANAGEMENT

The Honorable Shelley Moore Capito  
United States Senate  
Washington, D.C. 20510

Dear Senator Capito:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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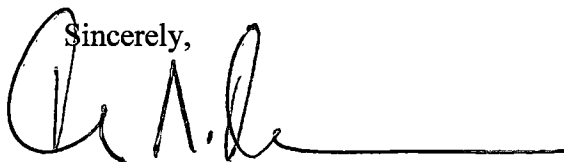


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Barry N. Breen  
Acting Assistant Administrator



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
WASHINGTON, D.C. 20460

**JUL 24 2018**

OFFICE OF  
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NOW THE  
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The Honorable John Boozman  
United States Senate  
Washington, D.C. 20510

Dear Senator Boozman:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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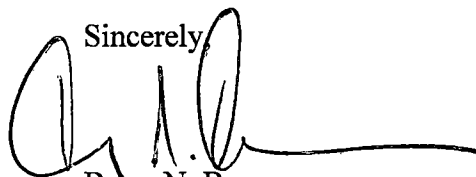
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Barry N. Breen  
Acting Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUL 24 2018

OFFICE OF  
SOLID WASTE AND  
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OFFICE OF LAND AND  
EMERGENCY MANAGEMENT

The Honorable Lamar Alexander  
United States Senate  
Washington, D.C. 20510

Dear Senator Alexander:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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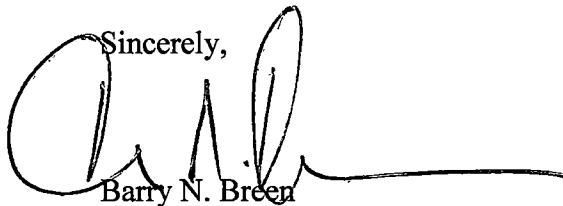
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Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUL 24 2018

OFFICE OF  
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NOW THE  
OFFICE OF LAND AND  
EMERGENCY MANAGEMENT

The Honorable Jerry Moran  
United States Senate  
Washington, D.C. 20510

Dear Senator Moran:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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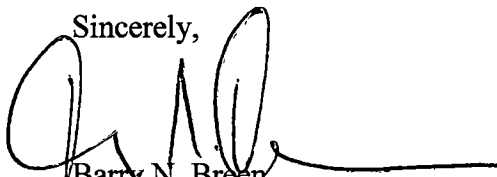


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Sincerely,



Barry N. Breen  
Acting Assistant Administrator

# United States Senate

WASHINGTON, DC 20510

February 1, 2019

The Honorable Andrew Wheeler  
Acting Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Acting Administrator Wheeler:

We write to you regarding recent media reports citing that the Environmental Protection Agency (EPA) does not intend to establish enforceable drinking water standards for perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) as part of the agency's national management plan for this class of chemicals. If this is accurate, EPA's inaction would be a major setback to states and affected communities. Therefore, we urge you to develop enforceable federal drinking water standards for PFOA and PFOS as well as institute immediate actions to protect the public from contamination from additional per- and polyfluoroalkyl substances (PFAS).

As you are aware, PFAS chemicals have emerged as a widespread contaminant in drinking water sources in several communities across the nation. While the risks associated with PFAS exposure are still being uncovered, studies have linked these unregulated emerging contaminants to a number of adverse health effects. On May 19, 2016, the EPA established lifetime health advisory levels for PFOA and PFOS. These health advisories, however, are non-enforceable and deprive states of much-needed federal guidance on how to determine and implement effective drinking water standards for PFOA and PFOS chemicals.

In the absence of federal standards, states have been forced to create their own drinking water regulations for PFAS. This uncoordinated process has led to a patchwork of conflicting drinking water standards and guidelines in nine states with widely varying maximum contaminant levels. Moreover, the varying levels of standards have caused confusion among regulated entities and affected communities who wonder if their regulations are sufficient.

Federal safe drinking water standards are critical to addressing public concerns and allow for states to focus their efforts and limited resources on implementation and compliance assurance. Without enforceable drinking water standards for PFOA and PFOS, it is doubtful that a national management strategy will sufficiently confront the challenges PFAS chemicals pose to states and affected communities. This decision would also fail to consider ongoing interagency efforts to determine the human health implications of contamination from PFAS, including the nationwide study being conducted by the Agency for Toxic Substances and Disease Registry (ATSDR).<sup>1</sup> We urge you to ensure that EPA's National PFAS Management Plan includes a commitment to

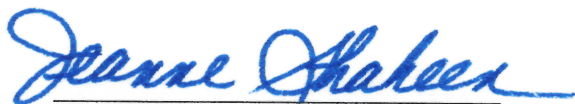
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<sup>1</sup> The National Defense Authorization Acts for 2018 and 2019 authorized a transfer of funds from the Department of Defense to ATSDR to study PFAS exposure and related human health outcomes. This includes exposure assessments, community engagement, a health study at Pease International Tradeport in New Hampshire and a national multi-site health study.

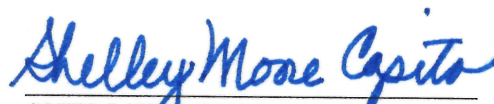
develop federal drinking water standards for PFOA and PFOS, pursuant to the Safe Drinking Water Act. We also request that EPA provide briefings to our offices on the agency's efforts on this issue, as well as regular updates on the progress of those efforts.

Safe drinking water is essential to the health and well-being of every American. And while our nation's water quality is among the highest in the world, we now face a serious challenge: aggressively addressing the health and environmental threats connected with PFAS. We believe it is imperative that the EPA show leadership and help protect American families from these harmful materials. We thank you for your attention to this important matter and look forward to your timely response.

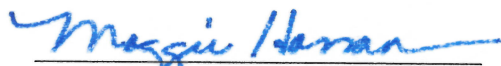
Sincerely,



JEANNE SHAHEEN  
United States Senator



SHELLEY MOORE CAPITO  
United States Senator



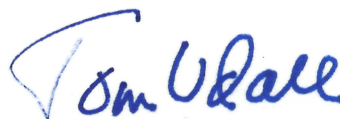
MARGARET WOOD HASSAN  
United States Senator




DEBBIE STABENOW  
United States Senator



THOMAS R. CARPER  
United States Senator



TOM UDALL  
United States Senator



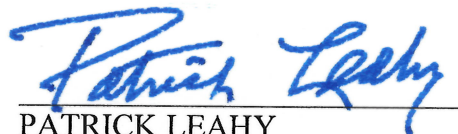
MARIA CANTWELL  
United States Senator



PATTY MURRAY  
United States Senator

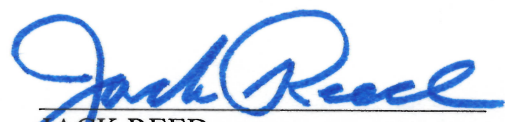


ROBERT P. CASEY, JR.  
United States Senator





PATRICK LEAHY  
United States Senator




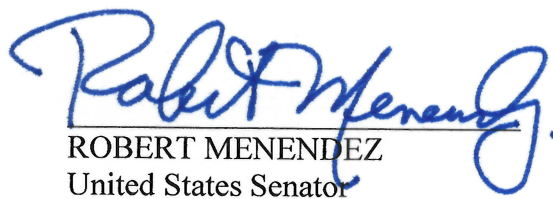
  
JACK REED  
United States Senator

  
MARTIN HEINRICH  
United States Senator


  
SHERROD BROWN  
United States Senator


  
BERNARD SANDERS  
United States Senator

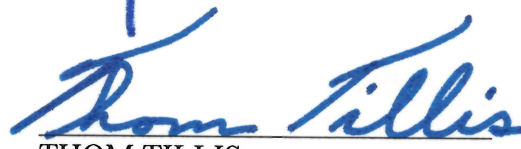
  
JOE MANCHIN III  
United States Senator

  
ROBERT MENENDEZ  
United States Senator

  
KIRSTEN GILLIBRAND  
United States Senator

  
ELIZABETH WARREN  
United States Senator

  
GARY C. PETERS  
United States Senator

  
THOM TILLIS  
United States Senator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

FEB 15 2019

OFFICE OF WATER

The Honorable Gary C. Peters  
United States Senate  
Washington, D.C. 20510

Dear Senator Peters:

Thank you for your letters of December 20, 2018, and February 1, 2019, regarding Per- and Polyfluoroalkyl Substances (PFAS). The U.S. Environmental Protection Agency (EPA) shares your concern for communities across the United States that continue to deal with these substances. The PFAS issue is a priority for the EPA and we are working cooperatively with our federal and state partners to address PFAS-related issues in order to protect human health and the environment.

On February 14, 2019, the EPA announced the first-ever PFAS Action Plan, available at: <https://epa.gov/pfas>. This historic plan responds to extensive public interest and input the EPA has received, including at the agency's May 2018 National Leadership Summit and subsequent visits to a number of states across the nation, at which the agency heard directly from the public about PFAS issues in their communities. The Action Plan represents the first time the EPA has built a national, multi-media, multi-program, research, management, and risk communication plan to address an emerging chemical of concern like PFAS. The Action Plan identifies both short-term solutions for addressing PFAS chemicals and long-term strategies that will help provide the tools and technologies states, tribes, and local communities need to clean up sites and provide clean and safe drinking water to their residents. Major actions described in the Action Plan are highlighted below.

**Drinking Water:** The EPA intends to establish a maximum contaminant level (MCL) for PFOA and PFOS—two of the most well-known and prevalent PFAS chemicals. To do so, the EPA is committed to following the MCL rulemaking process as established by the Safe Drinking Water Act (SDWA)—a process that is designed to ensure public participation, transparency, and the use of the best available science and other technical information. By the end of this year, the EPA will propose a regulatory determination, which is the next step in the Safe Drinking Water Act process for establishing an MCL. The EPA is also gathering and evaluating information to determine if a SDWA regulation is appropriate for a broader class of PFAS.

**Cleanup:** The EPA has already begun the regulatory development process for listing PFOA and PFOS as hazardous substances and will issue interim groundwater cleanup recommendations for sites contaminated with PFOA and PFOS. This important work will provide additional tools to help states and communities address existing contamination and enhance the ability to hold responsible parties accountable.

**Enforcement:** The EPA will continue its ongoing enforcement actions, create tools to address PFAS exposure in the environment, and assist states in enforcement activities. Where the EPA finds that there may be an imminent and substantial endangerment to public health related to PFAS contamination, the



agency will consider using its response authority under CERCLA section 104 or utilizing its enforcement authorities such as the SDWA section 1431 or RCRA section 7003.

**Monitoring:** The EPA will propose to include PFAS in the next round of nationwide drinking water monitoring under the Unregulated Contaminant Monitoring Program. This will improve the EPA's understanding of the frequency and concentration of PFAS occurrence in drinking water. This additional monitoring will utilize newer methods that will detect more PFAS chemicals and at lower levels. The EPA will also consider PFAS chemicals for listing in the Toxics Release Inventory to help the agency identify where these chemicals are being released.

**Research:** Through additional research, the EPA will rapidly expand the scientific foundation for understanding and managing risk from PFAS. The EPA will develop new analytical methods so that more PFAS chemicals can be detected in drinking water, in soil, and in groundwater. These efforts will improve our ability to monitor and assess potential risks. The EPA's research efforts also include developing new technologies and treatment options to remove PFAS from drinking water and at contaminated sites.

**Risk Communications:** The EPA will work across the agency—and the federal government—to develop a PFAS risk communication toolbox that includes materials that states, tribes, and local partners can use to effectively communicate with the public.

The PFAS Action Plan will help the EPA and its partners identify and better understand PFAS contaminants generally, clean up current PFAS contamination, prevent future contamination, and effectively communicate risk with the public. To implement the Action Plan, the EPA will continue to work in close coordination with multiple entities, including other federal agencies, states, tribes, local governments, water utilities, the regulated community, and the public.

Again, thank you for your letter and for your focused interest on PFAS. The EPA looks forward to working with you to address this challenge. If you have further questions, please contact me or your staff may contact Matt Klasen in the EPA's Office of Congressional and Intergovernmental Relations at [klasen.matthew@epa.gov](mailto:klasen.matthew@epa.gov) or (202) 566-0780.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Ross".

David P. Ross  
Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

FEB 15 2019

OFFICE OF WATER

The Honorable Thom Tillis  
United States Senate  
Washington, D.C. 20510

Dear Senator Tillis:

Thank you for your letters, regarding Per- and Polyfluoroalkyl Substances (PFAS). The U.S. Environmental Protection Agency (EPA) shares your concern for communities across the United States that continue to deal with these substances. The PFAS issue is a priority for the EPA and we are working cooperatively with our federal and state partners to address PFAS-related issues in order to protect human health and the environment.

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Again, thank you for your letter and for your focused interest on PFAS. The EPA looks forward to working with you to address this challenge. If you have further questions, please contact me or your staff may contact Matt Klasen in the EPA's Office of Congressional and Intergovernmental Relations at [klasen.matthew@epa.gov](mailto:klasen.matthew@epa.gov) or (202) 566-0780.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Ross", with a stylized flourish at the end.

David P. Ross  
Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

FEB 15 2019

The Honorable Jeanne Shaheen  
United States Senate  
Washington, D.C. 20510

OFFICE OF WATER

Dear Senator Shaheen:

Thank you for your letter of February 1, 2019, regarding Per- and Polyfluoroalkyl Substances (PFAS). The U.S. Environmental Protection Agency (EPA) shares your concern for communities across the United States that continue to deal with these substances. The PFAS issue is a priority for the EPA and we are working cooperatively with our federal and state partners to address PFAS-related issues in order to protect human health and the environment.

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Again, thank you for your letter and for your focused interest on PFAS. The EPA looks forward to working with you to address this challenge. If you have further questions, please contact me or your staff may contact Matt Klasen in the EPA's Office of Congressional and Intergovernmental Relations at [klasen.matthew@epa.gov](mailto:klasen.matthew@epa.gov) or (202) 566-0780.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Ross".

David P. Ross  
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

FEB 15 2019

The Honorable Robert P. Casey, Jr.  
United States Senate  
Washington, D.C. 20510

OFFICE OF WATER

Dear Senator Casey:

Thank you for your letter of February 1, 2019, regarding Per- and Polyfluoroalkyl Substances (PFAS). The U.S. Environmental Protection Agency (EPA) shares your concern for communities across the United States that continue to deal with these substances. The PFAS issue is a priority for the EPA and we are working cooperatively with our federal and state partners to address PFAS-related issues in order to protect human health and the environment.

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**Cleanup:** The EPA has already begun the regulatory development process for listing PFOA and PFOS as hazardous substances and will issue interim groundwater cleanup recommendations for sites contaminated with PFOA and PFOS. This important work will provide additional tools to help states and communities address existing contamination and enhance the ability to hold responsible parties accountable.

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Again, thank you for your letter and for your focused interest on PFAS. The EPA looks forward to working with you to address this challenge. If you have further questions, please contact me or your staff may contact Matt Klasen in the EPA's Office of Congressional and Intergovernmental Relations at [klasen.matthew@epa.gov](mailto:klasen.matthew@epa.gov) or (202) 566-0780.

Sincerely,

A handwritten signature in blue ink that reads "D. Ross".

David P. Ross  
Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

FEB 15 2019

The Honorable Patrick Leahy  
United States Senate  
Washington, D.C. 20510

OFFICE OF WATER

Dear Senator Leahy:

Thank you for your letter of February 1, 2019, regarding Per- and Polyfluoroalkyl Substances (PFAS). The U.S. Environmental Protection Agency (EPA) shares your concern for communities across the United States that continue to deal with these substances. The PFAS issue is a priority for the EPA and we are working cooperatively with our federal and state partners to address PFAS-related issues in order to protect human health and the environment.

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**Cleanup:** The EPA has already begun the regulatory development process for listing PFOA and PFOS as hazardous substances and will issue interim groundwater cleanup recommendations for sites contaminated with PFOA and PFOS. This important work will provide additional tools to help states and communities address existing contamination and enhance the ability to hold responsible parties accountable.

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Again, thank you for your letter and for your focused interest on PFAS. The EPA looks forward to working with you to address this challenge. If you have further questions, please contact me or your staff may contact Matt Klasen in the EPA's Office of Congressional and Intergovernmental Relations at [klasen.matthew@epa.gov](mailto:klasen.matthew@epa.gov) or (202) 566-0780.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Ross".

David P. Ross  
Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

FEB 15 2019

The Honorable Tom Udall  
United States Senate  
Washington, D.C. 20510

OFFICE OF WATER

Dear Senator Udall:

Thank you for your letter of February 1, 2019, regarding Per- and Polyfluoroalkyl Substances (PFAS). The U.S. Environmental Protection Agency (EPA) shares your concern for communities across the United States that continue to deal with these substances. The PFAS issue is a priority for the EPA and we are working cooperatively with our federal and state partners to address PFAS-related issues in order to protect human health and the environment.

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Sincerely,

A handwritten signature in blue ink, appearing to read "D. Ross".

David P. Ross  
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

FEB 15 2019

The Honorable Thomas R. Carper  
United States Senate  
Washington, D.C. 20510

OFFICE OF WATER

Dear Senator Carper:

Thank you for your letter of February 1, 2019, regarding Per- and Polyfluoroalkyl Substances (PFAS). The U.S. Environmental Protection Agency (EPA) shares your concern for communities across the United States that continue to deal with these substances. The PFAS issue is a priority for the EPA and we are working cooperatively with our federal and state partners to address PFAS-related issues in order to protect human health and the environment.

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**Enforcement:** The EPA will continue its ongoing enforcement actions, create tools to address PFAS exposure in the environment, and assist states in enforcement activities. Where the EPA finds that there may be an imminent and substantial endangerment to public health related to PFAS contamination, the



agency will consider using its response authority under CERCLA section 104 or utilizing its enforcement authorities such as the SDWA section 1431 or RCRA section 7003.

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**Risk Communications:** The EPA will work across the agency—and the federal government—to develop a PFAS risk communication toolbox that includes materials that states, tribes, and local partners can use to effectively communicate with the public.

The PFAS Action Plan will help the EPA and its partners identify and better understand PFAS contaminants generally, clean up current PFAS contamination, prevent future contamination, and effectively communicate risk with the public. To implement the Action Plan, the EPA will continue to work in close coordination with multiple entities, including other federal agencies, states, tribes, local governments, water utilities, the regulated community, and the public.

Again, thank you for your letter and for your focused interest on PFAS. The EPA looks forward to working with you to address this challenge. If you have further questions, please contact me or your staff may contact Matt Klasen in the EPA's Office of Congressional and Intergovernmental Relations at [klasen.matthew@epa.gov](mailto:klasen.matthew@epa.gov) or (202) 566-0780.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Ross", is positioned above the printed name.

David P. Ross  
Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

FEB 15 2019

The Honorable Kirsten Gillibrand  
United States Senate  
Washington, D.C. 20510

OFFICE OF WATER

Dear Senator Gillibrand:

Thank you for your letter of February 1, 2019, regarding Per- and Polyfluoroalkyl Substances (PFAS). The U.S. Environmental Protection Agency (EPA) shares your concern for communities across the United States that continue to deal with these substances. The PFAS issue is a priority for the EPA and we are working cooperatively with our federal and state partners to address PFAS-related issues in order to protect human health and the environment.

On February 14, 2019, the EPA announced the first-ever PFAS Action Plan, available at: <https://epa.gov/pfas>. This historic plan responds to extensive public interest and input the EPA has received, including at the agency's May 2018 National Leadership Summit and subsequent visits to a number of states across the nation, at which the agency heard directly from the public about PFAS issues in their communities. The Action Plan represents the first time the EPA has built a national, multi-media, multi-program, research, management, and risk communication plan to address an emerging chemical of concern like PFAS. The Action Plan identifies both short-term solutions for addressing PFAS chemicals and long-term strategies that will help provide the tools and technologies states, tribes, and local communities need to clean up sites and provide clean and safe drinking water to their residents. Major actions described in the Action Plan are highlighted below.

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Sincerely,

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David P. Ross  
Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

FEB 15 2019

The Honorable Jack Reed  
United States Senate  
Washington, D.C. 20510

OFFICE OF WATER

Dear Senator Reed:

Thank you for your letter of February 1, 2019, regarding Per- and Polyfluoroalkyl Substances (PFAS). The U.S. Environmental Protection Agency (EPA) shares your concern for communities across the United States that continue to deal with these substances. The PFAS issue is a priority for the EPA and we are working cooperatively with our federal and state partners to address PFAS-related issues in order to protect human health and the environment.

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Sincerely,

A handwritten signature in blue ink that reads "D. Ross".

David P. Ross  
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

FEB 15 2019

The Honorable Joe Manchin , III  
United States Senate  
Washington, D.C. 20510

OFFICE OF WATER

Dear Senator Manchin:

Thank you for your letter of February 1, 2019, regarding Per- and Polyfluoroalkyl Substances (PFAS). The U.S. Environmental Protection Agency (EPA) shares your concern for communities across the United States that continue to deal with these substances. The PFAS issue is a priority for the EPA and we are working cooperatively with our federal and state partners to address PFAS-related issues in order to protect human health and the environment.

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Sincerely,

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David P. Ross  
Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

FEB 15 2019

The Honorable Bernard Sanders  
United States Senate  
Washington, D.C. 20510

OFFICE OF WATER

Dear Senator Sanders:

Thank you for your letter of February 1, 2019, regarding Per- and Polyfluoroalkyl Substances (PFAS). The U.S. Environmental Protection Agency (EPA) shares your concern for communities across the United States that continue to deal with these substances. The PFAS issue is a priority for the EPA and we are working cooperatively with our federal and state partners to address PFAS-related issues in order to protect human health and the environment.

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Sincerely,

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David P. Ross  
Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

FEB 15 2019

The Honorable Sherrod Brown  
United States Senate  
Washington, D.C. 20510

OFFICE OF WATER

Dear Senator Brown:

Thank you for your letter of February 1, 2019, regarding Per- and Polyfluoroalkyl Substances (PFAS). The U.S. Environmental Protection Agency (EPA) shares your concern for communities across the United States that continue to deal with these substances. The PFAS issue is a priority for the EPA and we are working cooperatively with our federal and state partners to address PFAS-related issues in order to protect human health and the environment.

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David P. Ross  
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

FEB 15 2019

The Honorable Martin Heinrich  
United States Senate  
Washington, D.C. 20510

OFFICE OF WATER

Dear Senator Heinrich:

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Sincerely,

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David P. Ross  
Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

FEB 15 2019

OFFICE OF WATER

The Honorable Robert Menendez  
United States Senate  
Washington, D.C. 20510

Dear Senator Menendez:

Thank you for your letter of February 1, 2019, regarding Per- and Polyfluoroalkyl Substances (PFAS). The U.S. Environmental Protection Agency (EPA) shares your concern for communities across the United States that continue to deal with these substances. The PFAS issue is a priority for the EPA and we are working cooperatively with our federal and state partners to address PFAS-related issues in order to protect human health and the environment.

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Again, thank you for your letter and for your focused interest on PFAS. The EPA looks forward to working with you to address this challenge. If you have further questions, please contact me or your staff may contact Matt Klasen in the EPA's Office of Congressional and Intergovernmental Relations at [klasen.matthew@epa.gov](mailto:klasen.matthew@epa.gov) or (202) 566-0780.

Sincerely,

A handwritten signature in blue ink that reads "D. Ross".

David P. Ross  
Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

FEB 15 2019

The Honorable Elizabeth Warren  
United States Senate  
Washington, D.C. 20510

OFFICE OF WATER

Dear Senator Warren:

Thank you for your letter of February 1, 2019, regarding Per- and Polyfluoroalkyl Substances (PFAS). The U.S. Environmental Protection Agency (EPA) shares your concern for communities across the United States that continue to deal with these substances. The PFAS issue is a priority for the EPA and we are working cooperatively with our federal and state partners to address PFAS-related issues in order to protect human health and the environment.

On February 14, 2019, the EPA announced the first-ever PFAS Action Plan, available at: <https://epa.gov/pfas>. This historic plan responds to extensive public interest and input the EPA has received, including at the agency's May 2018 National Leadership Summit and subsequent visits to a number of states across the nation, at which the agency heard directly from the public about PFAS issues in their communities. The Action Plan represents the first time the EPA has built a national, multi-media, multi-program, research, management, and risk communication plan to address an emerging chemical of concern like PFAS. The Action Plan identifies both short-term solutions for addressing PFAS chemicals and long-term strategies that will help provide the tools and technologies states, tribes, and local communities need to clean up sites and provide clean and safe drinking water to their residents. Major actions described in the Action Plan are highlighted below.

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Sincerely,



David P. Ross  
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

FEB 15 2019

OFFICE OF WATER

The Honorable Maria Cantwell  
United States Senate  
Washington, D.C. 20510

Dear Senator Cantwell:

Thank you for your letter of February 1, 2019, regarding Per- and Polyfluoroalkyl Substances (PFAS). The U.S. Environmental Protection Agency (EPA) shares your concern for communities across the United States that continue to deal with these substances. The PFAS issue is a priority for the EPA and we are working cooperatively with our federal and state partners to address PFAS-related issues in order to protect human health and the environment.

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Sincerely,

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David P. Ross  
Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

FEB 15 2019

OFFICE OF WATER

The Honorable Patty Murray  
United States Senate  
Washington, D.C. 20510

Dear Senator Murray:

Thank you for your letter of February 1, 2019, regarding Per- and Polyfluoroalkyl Substances (PFAS). The U.S. Environmental Protection Agency (EPA) shares your concern for communities across the United States that continue to deal with these substances. The PFAS issue is a priority for the EPA and we are working cooperatively with our federal and state partners to address PFAS-related issues in order to protect human health and the environment.

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Sincerely,

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David P. Ross  
Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

FEB 15 2019

The Honorable Margaret Wood Hassan  
United States Senate  
Washington, D.C. 20510

OFFICE OF WATER

Dear Senator Hassan:

Thank you for your letter of February 1, 2019, regarding Per- and Polyfluoroalkyl Substances (PFAS). The U.S. Environmental Protection Agency (EPA) shares your concern for communities across the United States that continue to deal with these substances. The PFAS issue is a priority for the EPA and we are working cooperatively with our federal and state partners to address PFAS-related issues in order to protect human health and the environment.

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Sincerely,

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David P. Ross  
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

FEB 15 2019

The Honorable Debbie Stabenow  
United States Senate  
Washington, D.C. 20510

OFFICE OF WATER

Dear Senator Stabenow:

Thank you for your letter of February 1, 2019, regarding Per- and Polyfluoroalkyl Substances (PFAS). The U.S. Environmental Protection Agency (EPA) shares your concern for communities across the United States that continue to deal with these substances. The PFAS issue is a priority for the EPA and we are working cooperatively with our federal and state partners to address PFAS-related issues in order to protect human health and the environment.

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Sincerely,

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David P. Ross  
Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

FEB 15 2019

The Honorable Shelley Moore Capito  
United States Senate  
Washington, D.C. 20510

OFFICE OF WATER

Dear Senator Capito:

Thank you for your letter of February 1, 2019, regarding Per- and Polyfluoroalkyl Substances (PFAS). The U.S. Environmental Protection Agency (EPA) shares your concern for communities across the United States that continue to deal with these substances. The PFAS issue is a priority for the EPA and we are working cooperatively with our federal and state partners to address PFAS-related issues in order to protect human health and the environment.

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Sincerely,

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David P. Ross  
Assistant Administrator



# United States Senate

WASHINGTON, DC 20510

March 18, 2019

The Honorable Andrew Wheeler  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW  
Washington, DC 20004

Dear Administrator Wheeler,

We strongly oppose any action that could lead to the undoing of the Mercury Rule (the Mercury and Air Toxics Standards Rule). We write to urge you to withdraw the Environmental Protection Agency's (EPA) December 27, 2018 proposal that finds it is no longer "appropriate and necessary" to regulate mercury and air toxic emissions from coal and oil fired power plants which could lead to the undoing of the rule. Mercury is a deadly toxin that harms the development of fetuses and children. It makes no sense to take any action that could lead to the weakening of mercury emission standards.

We support the Mercury Rule because cleaner air means better health, a better economy, and better jobs for residents of our states. As a result of the Mercury Rule, power plants are emitting nearly 90 percent less mercury than a decade ago and we are already seeing the public health benefits. We agree with EPA's decision to keep the Mercury Rule in place. However, if EPA finds that it is no longer "appropriate and necessary" to regulate mercury emissions from coal and oil fired power plants, it could lead to the undoing, or weakening, of the Mercury Rule. This could result in installed mercury and air toxic control technology to be turned off, erasing all the benefits we have seen from the Mercury Rule.

Utilities have already spent rate-payer dollars to fully comply with the Mercury Rule. Keeping the "appropriate and necessary" finding in place and protecting the rule provides much-needed regulatory certainty for the electric power industry and consumers. The last compliance deadline for the Mercury Rule passed more than two years ago and the utility industry has repeatedly stated that they support the Mercury Rule and that no changes are necessary. Providing utilities with regulatory certainty by keeping the Mercury Rule in place and effective will help to maintain steady electricity prices for American families across the country.

We believe it is critical to protect our children and our families from dangerous mercury pollution. While we understand that quantifying the monetary benefits of reduced mercury emissions is difficult, there are numerous important non-monetized benefits to the health of our children. According to the National Institutes of Health, mercury is a highly toxic element, there are no known safe levels of exposure, and it is a "serious health hazard for children." We believe it is critical to protect our children and our families from this dangerous pollutant. Therefore, we believe it is essential that EPA keep in place the "appropriate and necessary" determination.

Today, Americans are breathing cleaner air and their health is better due in part to the Mercury Rule. In short, the Mercury Rule works and we urge EPA to withdraw its proposal to revoke the "appropriate and necessary" finding and ensure there are no future changes that would undermine the Mercury Rule.

Sincerely,



# United States Senate

WASHINGTON, DC 20510



LAMAR ALEXANDER  
United States Senator



TOM CARPER  
United States Senator



SUSAN M. COLLINS  
United States Senator



JOE MANCHIN III  
United States Senator



THOM TILLIS  
United States Senator



SHERROD BROWN  
United States Senator

THOM TILLIS  
NORTH CAROLINA

113 DIRKSEN SENATE OFFICE BLDG  
WASHINGTON, DC 20510  
PH: (202) 224-6342

<https://tillis.senate.gov>

# United States Senate

WASHINGTON, DC 20510

April 1, 2019

## COMMITTEES

ARMED SERVICES  
BANKING, HOUSING, AND URBAN  
DEVELOPMENT  
JUDICIARY  
VETERANS' AFFAIRS

The Honorable Andrew Wheeler  
Administrator  
United States Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W., Room 1101A  
Washington, D.C. 20460

Re: City of Havelock, North Carolina  
EPA-OLEM-OBLR-18-07

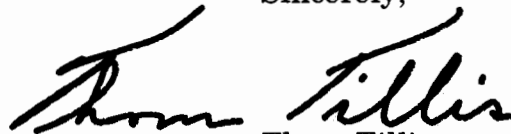
Dear Administrator Wheeler:

I am pleased to support the grant application submitted by the City of Havelock, North Carolina for funding through the Environmental Protection Agency (EPA) Brownfields Cleanup grant program.

The City of Havelock indicates it has identified the Phoenix Landfill Brownfields, an abandoned site comprising approximately 150,000 cubic yards of unprocessed debris, as a public safety hazard for the unsupervised youth in the nearby neighborhoods and school who sometimes accessed to the site. The City annexed the property with plans to clean the site, using it to add new open green space along the area's creeks. The City has completed preliminary work on the project and has secured leveraged funding, including \$1 million from the State of North Carolina. Debris removal will begin this summer. Cleanup funding will provide a crucial piece of Havelock's budget for this important project that will benefit the people of Havelock and the city's adjacent waterways.

Thank you for your consideration of the City of Havelock's request as you make your final decision for the Brownfields Cleanup grant program. Please feel free to contact my Raleigh office at 919-856-4630 if you have questions regarding this request.

Sincerely,



Thom Tillis  
U.S. Senator

TRT/lm

CHARLOTTE OFFICE:  
9300 HARRIS CORNERS PKWY  
SUITE 170  
CHARLOTTE, NC 28269  
PH: (704) 509-9087

RALEIGH OFFICE:  
310 NEW BERN AVE  
SUITE 122  
RALEIGH, NC 27601  
PH: (919) 856-4630

HIGH POINT OFFICE:  
1840 EASTCHESTER DR  
SUITE 200  
HIGH POINT, NC 27265  
PH: (336) 885-0685

GREENVILLE OFFICE:  
1694 E ARLINGTON BLVD  
SUITE B  
GREENVILLE, NC 27858  
PH: (252) 329-0371

HENDERSONVILLE OFFICE:  
1 HISTORIC COURTHOUSE SQ  
SUITE 112  
HENDERSONVILLE, NC 28792  
PH: (828) 693-8750



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MAY - 1 2019

The Honorable Thom Tillis  
United States Senate  
Washington, D.C. 20510

OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE

NOW THE  
OFFICE OF LAND AND  
EMERGENCY MANAGEMENT

Dear Senator Tillis:

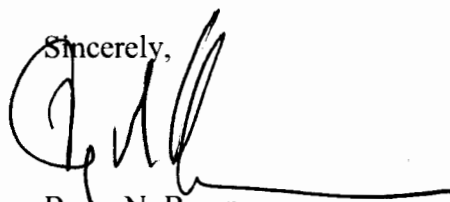
Thank you for your letter of April 1, 2019, to the U.S. Environmental Protection Agency, supporting the brownfields grant proposal from the city of Havelock, North Carolina. We appreciate your interest in the Brownfields Program and your support of this proposal.

Since its inception in 1995, the EPA's Brownfields Program has grown into a proven, results-oriented program that has changed the way contaminated property is perceived, addressed, and managed. The EPA's Brownfields Program is designed to empower states, communities, and other stakeholders in economic redevelopment to work together in a timely manner to prevent, assess, safely clean up, and sustainably reuse brownfields. The program is an excellent example of the success that is possible when people of all points of view work together to improve the environment and their communities.

Last year's application process was highly competitive with the EPA evaluating more than 620 grant proposals. From these proposals, the EPA announced the selection of approximately 220 grants.

The EPA's selection criteria for grant proposals are available in the *Proposal Guidelines for Brownfields Multipurpose, Assessment, and Cleanup Grants (November 2018)*, posted on our brownfields website at [www.epa.gov/brownfields](http://www.epa.gov/brownfields). Each proposal will be carefully reviewed and evaluated by a selection panel that applies these objective criteria in this highly competitive program. The grant proposal submitted by the city of Havelock will be given every consideration.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Raquel Snyder in the EPA's Office of Congressional and Intergovernmental Relations at [snyder.raquel@epa.gov](mailto:snyder.raquel@epa.gov) or at (202) 564-9586.

Sincerely,  
  
Barry N. Breen  
Acting Assistant Administrator



THOM TILLIS  
NORTH CAROLINA

113 DIRKSEN SENATE OFFICE BLDG  
WASHINGTON, DC 20510  
PH: (202) 224-6342

<https://tillis.senate.gov>

COMMITTEES

ARMED SERVICES  
BANKING, HOUSING, AND URBAN  
DEVELOPMENT  
JUDICIARY  
VETERANS' AFFAIRS

# United States Senate

WASHINGTON, DC 20510

April 18, 2019

The Honorable Andrew Wheeler  
Administrator  
United States Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W., Room 1101A  
Washington, D.C. 20460

Re: City of Newton, North Carolina  
EPA-ELEM-OBLR-18-06  
Grant Tracking Number: GRANT12777416

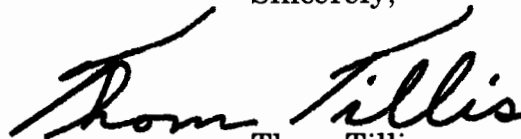
Dear Administrator Wheeler:

I am pleased to support the grant application submitted by the City of Newton, North Carolina for funding through the Environmental Protection Agency (EPA) Brownfields Community-Wide Assessment grant program in the amount of \$300,000.

The City of Newton indicates it has identified areas of blight within the City where vacant mills, factories, gas stations, and dry cleaners suffer structural deterioration, creating a public safety hazard. Due to the rapid decline in manufacturing, compounded by two recessions, the City struggles to recover from these devastating economic setbacks. Grant funding would enable the City to perform a complete assessment on the most dilapidated parcels in order to identify, prioritize, and plan for economic development reuse which would support efforts to create economic renewal in the community.

Thank you for your consideration of the City of Newton's request as you make your final decision for the Brownfields Community-Wide Assessment grant program. Please feel free to contact my Raleigh office at 919-856-4630 if you have questions regarding this request.

Sincerely,



Thom Tillis  
U.S. Senator

TRT/lm

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MAY - 8 2019

The Honorable Thom Tillis  
United States Senate  
Washington, D.C. 20510

OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE

NOW THE  
OFFICE OF LAND AND  
EMERGENCY MANAGEMENT

Dear Senator Tillis:

Thank you for your letter of April 18, 2019, to the U.S. Environmental Protection Agency, supporting the brownfields grant proposal from the city of Newton, North Carolina. We appreciate your interest in the Brownfields Program and your support of this proposal.

Since its inception in 1995, the EPA's Brownfields Program has grown into a proven, results-oriented program that has changed the way contaminated property is perceived, addressed, and managed. The EPA's Brownfields Program is designed to empower states, communities, and other stakeholders in economic redevelopment to work together in a timely manner to prevent, assess, safely clean up, and sustainably reuse brownfields. The program is an excellent example of the success that is possible when people of all points of view work together to improve the environment and their communities.

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The EPA's selection criteria for grant proposals are available in the *Proposal Guidelines for Brownfields Multipurpose, Assessment, and Cleanup Grants (November 2018)*, posted on our brownfields website at [www.epa.gov/brownfields](http://www.epa.gov/brownfields). Each proposal will be carefully reviewed and evaluated by a selection panel that applies these objective criteria in this highly competitive program. The grant proposal submitted by the city of Newton will be given every consideration.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Raquel Snyder in the EPA's Office of Congressional and Intergovernmental Relations at [snyder.raquel@epa.gov](mailto:snyder.raquel@epa.gov) or at (202) 564-9586.

Sincerely,

A handwritten signature in black ink, appearing to read "Barry N. Breen", is written over the typed name. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Barry N. Breen  
Acting Assistant Administrator